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## Historp.

### HISTORY OF THE GERMANIC EMPIRE.

BY  
S. A. DUNHAM, ESQ. LL.D. &c.  
MEMBER OF THE ROYAL SPANISH ACADEMY OF HISTORY, ETC.  
AUTHOR OF THE HISTORY OF SPAIN AND PORTUGAL,  
EUROPE DURING THE MIDDLE AGES, ETC.

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S. A. DUNHAM, ESQ. LL.D. &c.

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W. D. L. HILL.



Beccold the tailor King

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T A B L E,  
ANALYTICAL AND CHRONOLOGICAL,  
TO THE THIRD VOLUME OF  
THE GERMANIC EMPIRE.

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**T A B L E**  
**OF**  
**CONTEMPORARY PRINCES.**

**a**

TABLE OF CONTEMPORARY PRINCES OF THE GERMANIC EMPIRE.

| EMPERORS.                   | SAXONY.               | FRANCONIA.                          | VARIA.                                       | SWABIA.          | LORRAINE.       | COUNTS PALATINE. |
|-----------------------------|-----------------------|-------------------------------------|--|------------------|-----------------|------------------|
| A. D.                       | A. D.                 | A. D.                               | A. D.  | A. D.            | A. D.           | A. D.            |
| 919. Conrad I.              | 912. Otho.            | 911. Conrad I.                      | 907. Leopold.                                | 912. Burkard I.  | 898. Renier.    |                  |
| 936. Heinric <sup>I</sup> . | 919. Heinric.         | 939. Otho (the Great).              | 939. Everhard.                               | 916. Erchanger.  | o.              |                  |
| 973. Otho I.                | 973. Herman Bil-ling. | 955. Conrad II. Otho.               | 937. Arnulf.                                 | 926. Burkard II. | 939. Giselbert. |                  |
|                             |                       | 976. Heinric II. (the Quarrel-ler). | 937. Everhard.                               |                  | 945. Heinric.   |                  |
|                             |                       | 982. Otho.                          | 945. Berthold.                               |                  | 953. Conrad.    |                  |
|                             |                       | 984. Heinric (the Younger).         | 955. Heinric II. (the Quarrel-ler) replaced. | 950. Herman.     | 963. Bruno.     |                  |
| 1002. Otho III.             | 1005. Conrad.         | 998. Conrad I.                      | Upper Lor-raine.                             | Lower Lor-raine. | 991. Charles.   |                  |
|                             | 1004. Heinric III.    | 998. Conrad I.                      |  |                  |                 |                  |
|                             | 1010. Bernard I.      | 1011. Theodric.                     |  |                  |                 |                  |
|                             |                       | 1012. Herman III.                   |  | 1004. Otho.      | 996. Herman.    |                  |

|                                  |   |   |  |
|----------------------------------|---|---|--|
| 1024. Heinric II.                |   | 1015. Ernest.   | 1020. Godfred.   |
|                                  | 1027. Heinric IV.<br>(of Luxem-<br>burg). De-<br>posed, 1008 re-<br>placed, 1015. | 1027. Fred. II.<br>Remained<br>without a<br>duke till<br>1033.        | 1027. Fred. II.<br>Remained<br>without a<br>duke till<br>1033. |
| 1039. Conrad (the<br>Younger).   | 1030. Ernest II.  | 1044. Gonthelo, duke of Up-<br>per and Lower Lorraine<br>(from 1033). | 1034. Edo.   |
| 1039. Conrad II.                 |   | 1038. Herman IV.  | 1044. Lower Lor-<br>raine.                                     |
| 1046. Heinric III.<br>(Emperor). | 1040. Heinric V.<br>1047. Heinric VI.   | 1047. Albert.   | 1047. Otho.  |
| 1060. Heinric IV.                | 1045. Heinric.<br>1047. Otho II.  | 1048. Godfred<br>dep.<br>1048—1056.<br>Frederic.                      | 1050. Godfred<br>II. (replaced).<br>1076. Godfred<br>III.      |
| 1056. Heinric III.               | 1053. Conrad I.   | 1057. Otho III.   | 1051. Heinric.   |
| 1061. Bernard II.                | 1054. Heinric VII.<br>(Emperor.)  | 1070. Gerard.   | 1059. Conrad   |
| 1073. Otho.                      | 1056. Conrad II.  | 1070. Godfred<br>II. (replaced).<br>1076. Godfred<br>III.             | 1085. Herman II.   |
|                                  |   | 1080. Rodolf.   |  |

TABLE — *continued*

|                              |                                     |
|------------------------------|-------------------------------------|
| 1190. Frederic I.            | 1183 Otho<br>(of Wittelsbach).      |
| 1191. Frederic IV.           | 1191. Frederic IV.                  |
| 1196. Conrad VI.             | 1196. Conrad.                       |
| 1197. Heinric VI.<br>Philip. | 1197. Heinric VI.<br>Philip.        |
| 1208. Philip.                | 1198. Otho.                         |
| 1212. Bernard III.           | 1206. Otho II.                      |
| 1212. Otho IV.               | 1215. Heinric<br>(Welf).            |
| 1230. Frederic II.           | 1231 Ludovic (of<br>Wittelsbach).   |
| 1234. Conrad IV.             | 1230. Premislas.                    |
| 1236. William.               | 1233. Otho II.                      |
| 1271. Richard.               | 1233. Wenceslas.                    |
| 1291. Rodolf I.<br>Adolf.    | 1278. Premislas<br>(Ottoear).       |
| 1298. Albert I.              | 1285. John II.                      |
| 1308. Albert I.              | 1298. Otho.                         |
| 1317. Heinric VII.           | 1294. Ludovic (the<br>Severe).      |
| 1347. Ludovic V.             | 1305. Wenceslas IV.<br>Wenceslas V. |
|                              | 1304. Conrad I.                     |
|                              | 1306. Wenceslas V.                  |
|                              | 1307. Rodolf.                       |
|                              | 1311. Heinric.                      |
|                              | 1319. Waldemar.                     |
|                              | 1320. Heinric.                      |
|                              | 1346. John (of<br>Luxemburg).       |
|                              | 1349. Ludovic.                      |

TABLE — *continued.*

| EMPERORS.                                    | SAXONY.                | BAVARIA.                        | BOHEMIA.                       | BRANDENBURG.       | COUNTS PALATINE. |
|--|------------------------|---------------------------------|--------------------------------|--------------------|------------------|
| A. D.  | A. D.                  | A. D.                           | A. D.                          | A. D.              | A. D.            |
| 1356. Rodolf I.                              | 1356. Emp. Charles IV. | 1365. Ludovic " (the Younger).  | 1365. Ludovic " (the Younger). | 1363. Rodolf II.   | 1363. Rodolf II. |
| 1370. Rodolf II.                             | 1388. Wenceslas.       | 1379. Otho.                     | 1390. Robert I.                | 1398. Robert II.   |                  |
| 1400. Wenceslas.                             | 1419. Rodolf III.      | 1400. Wenceslas.                | 1411. Joseph (of Luxemburg).   | 1410. Robert III.  |                  |
| 1422. Albert III.<br>Frederic (the Warlike). | 1439. Alb. III.        | 1440. Sigismund.                | 1457. Sigismund.               | 1436. Ludovic III. |                  |
| 1423.  |                        | 1440. Albert II.                | 1440. Frederic I.              | 1449. Ludovic IV.  |                  |
| 1464. Frederic II. (the Good).               | 1458. Ladislas IV.     | 1452. Frederic II.              | 1452. Frederic II.             |                    |                  |
| 1471. George Podiebrad.                      | 1516. Ladislas V.      | 1460. Albert.                   | 1460. Albert.                  |                    |                  |
| 1486. Ernest.                                | 1525. Frederic Wise.   | 1476. Frederic (the Vitorious). | 1499. John.                    | 1508. Philip.      |                  |
| 1493. Frederic III.                          | (the                   |                                 |                                |                    |                  |
| 1519. Maximilian I.                          |                        |                                 |                                |                    |                  |

|                         |                                     |                            |                               |
|-------------------------|-------------------------------------|----------------------------|-------------------------------|
| 1532. John.             | 1547. Anne.                         | 1535. Joachim.             | 1544. Ludovic (the Peaceful). |
| 1548. John Frederic II. | 1553. Maurice.                      | 1556. Frederic (the Wise). | 1559. Otto Heinric.           |
| 1564. Ferdinand I.      | 1564. Emperor Ferdinand.            | 1576. Frederic III.        | 1576. Frederic III.           |
| 1576. Maximilian II.    | 1586. Augustus.                     | 1598. John George.         |                               |
|                         | 1591. Christian I.                  | 1608. Joachim Frederic.    |                               |
|                         | 1611. Christian II.                 | 1619. John Sigismund.      |                               |
| 1612. Rudolf II.        | 1611. Rodolf II. (Emperor).         | 1623. Frederic V.          |                               |
| 1619. Matthias.         | 1617. Mathias.                      | 1640. George Wilhelm.      |                               |
| 1637. Ferdinand II.     | 1637. Ferdinand II.                 | 1680. Charles Ludovic.     |                               |
|                         | 1651. Maximilian (the Great).       |                            |                               |
| 1657. Ferdinand III.    | 1656. John George I.                |                            |                               |
|                         | 1679. Ferdinand.                    |                            |                               |
|                         |                                     |                            |                               |
|                         | 1688. Frederic Wilhelm (the Great). |                            |                               |
|                         | 1685. Charles.                      |                            |                               |
|                         | 1690. Philip Wilhelm.               |                            |                               |
| 1694. John George IV.   |                                     |                            |                               |

TABLE — *continued.*

| EMPERORS.          | SAXONY.             | HANOVER.           | BAVARIA.           | BOHEMIA.            | BRANDENBURG.        | COUNTS PALATINE.   |
|--------------------|---------------------|--------------------|--------------------|---------------------|---------------------|--------------------|
| A. D.              | A. D.               | A. D.              | A. D.              | A. D.               | A. D.               | A. D.              |
| •                  | •                   | •                  | •                  | •                   | •                   | •                  |
| 1705. Leopold I.   | 1698. Ernest Au-    | 1705. Leopold (Em- | 1705. Leopold (Em- | 1705. Leopold (Em-  | 1705. Leopold (Em-  | 1705. Leopold (Em- |
| 1711. Joseph I.    | gustus.             | peror).            | peror).            | peror).             | peror).             | peror).            |
| 1733. Frederic Au- | 1727. George Lu-    | 1726. Maximilian   | 1726. Maximilian   | 1726. Maximilian    | 1726. Maximilian    | 1726. Maximilian   |
| 1740. Charles VI.  | dovic.              | (Emperor).         | (Emperor).         | (Emperor).          | (Emperor).          | (Emperor).         |
| 1745. Charles VII. | 1763. Frederic Au-  | 1760. George II.   | 1745. Charles Al-  | 1740. Emp. Charles  | 1743. Frederic Wil- | 1742. Charles Phi- |
| 1765. Francis I.   | gustus III.         | (King of Great     | bert.              | VI.                 | helm.               | lip.               |
| 1777. Maximilian   | 1777. Joseph.       | Britain).          | Joseph.            | 1740. Emp. Charles  | 1743. Frederic Wil- | 1742. Charles Phi- |
| 1780. Maria The-   | 1786. Frederic Wil- | 1780. Maria The-   | 1780. Maria The-   | VI.                 | helm II. (the       | lip.               |
| 1790. Joseph II.   | resia.              | resia.             | resia.             | 1786. Frederic Wil- | Great.)             | 1742. Charles Phi- |
| 1792. Leopold II.  | 1790. Emperor Jo-   | 1790. Emperor Jo-  | 1790. Emperor Jo-  | 1797. Frederic Wil- | 1797. Frederic Wil- | 1742. Charles Phi- |
| 1798. Charles The- | odore.              | odore.             | odore.             | helm III.           | helm III.           | 1742. Charles Phi- |
| 1798. Charles The- | odore.              | odore.             | odore.             | 1798. Charles The-  | odore.              | 1742. Charles Phi- |

1792. Emperor Leo.  
pold.

1820. George III.  
(King of Great  
Britain), first  
King of Hanov-  
er.

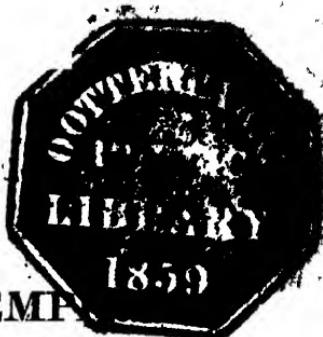
1825. Maximilian  
Joseph, the  
first King.

1827. Frederic Au-  
gustus IV., first  
King.

1830. George IV.,  
King.



HISTORY  
OF  
THE GERMANIC EMPIRE



BOOK III.—*continued.*

MODERN HISTORY, POLITICAL, CIVIL, AND RELIGIOUS, OF  
THE GERMANIC EMPIRE.

1437—1792.

CHAPTER II.

CHARLES V. OR THE REFORMATION.

1519—1558.

ELECTION OF CHARLES V.—APPEARANCE OF MARTIN LUTHER.—HIS HOSTILITY, FIRST TO THE INDULGENCES, NEXT TO THE DISCIPLINE AND DOCTRINES OF THE CHURCH.—DANGEROUS TENDENCY OF SOME TENETS PROPOUNDED BY HIM.—OPPOSITION FROM THE ROMAN CATHOLIC THEOLOGIANS.—PROGRESS OF HIS DOCTRINES.—DIET OF WORMS.—VIOLENCE OF THE REFORMER.—DEFECTION OF HIS COADJUTORS.—CARLSTADT.—ZWINGLE.—THE ANABAPTISTS.—WAR OF THE PEASANTS.—SIEGE OF MUNSTER.—CONTINUED PROGRESS OF THE REFORMATION.—DIET OF AUGSBURG.—EFFORTS OF CHARLES TO EFFECT A UNION BETWEEN THE HOSTILE PARTIES.—FRUITLESS COLLOQUIES.—LEAGUES.—CIVIL WARS.—REVERSES OF THE EMPEROR.—PEACE OF RELIGION.—DEATH AND CHARACTER OF LUTHER.—INFLUENCE OF THE REFORMATION.—SECULAR EVENTS DURING THE REIGN OF CHARLES.

As Maximilian left no son, the partisans of the house of Austria cast their eyes on the eldest of his grandsons.

Charles king of Spain.\* But the youthful monarch had many opponents. As king of Naples, which he inherited through Fernando of Aragon, he was too dangerous a neighbour to the papal see for Leo X. to wish him success: as king of Spain, lord of the Netherlands, and archduke of Austria, his power was justly dreaded by the states of the empire and by Europe. The same objection, however, applied, though in an inferior degree, to another candidate, Francis I. He, too, had pretensions over the Milanese and Naples, which could not be peculiarly agreeable either to the pope or the inhabitants †; while with the Germans, the direct collision of interests between France and themselves, naturally rendered him unpopular. That Leo, while professing to favour Francis, should secretly advise the electors to cast their suffrages on a prince of their own body, has surprised no one; for open integrity of purpose was not the virtue which at this period much distinguished the holy see. Hence, though Francis and Charles, by their ambassadors, continually diverted the golden stream into the coffers of the electors, whose venality was even more shameless than at any preceding vacation, they selected Frederic, duke of Saxony, and imperial vicar during the interregna, as their chief. Frederic, indeed, had virtues worthy of the station; but he was too wise to accept it. He knew that Maximilian, with resources ten times greater than his own, had been unable to resist France or Turkey; that the hostility of both towards the German nation was immutigable; and that the only man in whom the country could hope to find a saviour, was the king of Spain. Hence, he proposed Charles, whose claims were as agreeable as those of Francis were unpopular; and the reasons which he assigned for the preference, were too urgent not to have their effect. In fact, five of the electors had formerly

\* See Hist. of Spain and Portugal, v. v. chap. i.

† Vol. iii. (History of Aragon). See also, Europe during the Middle Ages, vol. i. *passim*.

declared for him, and had desisted from appointing him in the apprehension that he might endeavour to make himself as despotic in Germany as he was in Spain. That prince was accordingly chosen, and the decision was ratified by the voice of all Europe, except France and her creatures. But it was not made without precautions.

"At the election of Charles V., a new and important circumstance appeared in the constitution of Germany. At the proposal of Frederic, surnamed the Wise, of Saxony, the electors agreed to make certain articles, which were drawn up for that purpose, conditions for Charles to swear to. They were in hopes that they should be enabled, by this measure, to destroy the apprehensions which might otherwise arise in consequence of his great power, and, what was easily foreseen, his frequent absence in a foreign kingdom. They had at the same time recourse to every thing which was hitherto merely dependent on custom, and converted them into written laws, in hopes of giving them more firmness for the future. This was the origin of the fundamental law of the empire, which has been repeated ever since at every election of an emperor or a king of the Romans, under the name of the imperial capitulation; and the design of which is to settle the whole form of government, by a sort of contract with the emperor at his election. The elector of Mentz had already procured certain promises from several emperors for himself\*; but now the whole college concluded a formal treaty for the first time with the newly elected emperor, concerning his future manner of conducting the government. As nothing was inserted but what was grounded on some former custom, or else of general utility to Germany, the electors acted, in fact, as useful agents (*negotiorum gestores*) for the whole empire. In this consideration they merited and met with the approbation of the whole country; although a question might certainly have arisen, whether the electors alone, without the concurrence of the other states, had the right of making such a fundamental law,—a question which since that time has actually arisen."

The conditions which the ambassador of Charles, who was then in Spain, was compelled to sanction, were thirty in number. They chiefly regarded the ex-

\* And so had other electors, but only as *individuals*, not as a body.

ecution of existing laws ; the inability to enact new ones without the consent of the diet ; to make no alliance, to undertake no war, without the sanction of the electors ; not to introduce foreign troops unless the empire should be invaded ; to hold no diet or tribunal beyond its bounds ; to confer all offices on Germans alone ; to uphold the rights and privileges of every state against the encroachments of the holy see ; to impose no taxes, however customary, without consent ; to place no state under the imperial ban, without claiming the established forms of process ; to conquer for the empire alone, and to remain as much as possible in Germany.\*

The reign of Charles must be memorable in the annals of all time, for the vast revolution effected in the religious constitution of society. This, indeed, is the all-engrossing, the one subject of interest. The observations which in various parts of the present work, and especially at the close of the preceding volume, we have made on the religious state of Germany and of Europe ; the abuses, above all, which attended the preaching of the indulgences ; will have prepared the reader's mind for what follows.†

1483 The papal see had long been necessitous : it was never to more so than during the pontificate of Leo X. This 1512. pope, who is allowed even by the warmest advocates for catholicity, to have possessed few of the virtues becoming the sacerdotal character, however splendidly he might have adorned a purely secular throne, lost no time in replenishing his empty coffers by the public sale of indulgences. In the view of disarming the opposition which he well knew would meet their publication in Saxony, he addressed the papal commission to Albert, elector of Mentz, and cardinal archbishop of Magdeburg, who was allowed to participate largely in the profits

\* Miniana, *Continuatio Historiae Marinianaæ*, p. 12, 13. Sandoval, *Historia del Invicto Imperador Carlos Quinto*, tom. i. p. 30, &c. Ferreras (by Hermilly), *Histoire Générale d'Espagne*, tom. viii. p. 474. Putter, *Historical Developement*, tom. i. book v. chap. 1. Pfeffel, *Histoire d'Allemagne*, tom. ii. Schmidt, *Histoire des Allemands*, tom. vi. liv. viii. chap. 2.

† Vol. II. concluding pages.

arising from this shameful traffic. Albert devolved the responsible part of the duty on Tetzel, a Dominican friar, who is said to have been of licentious morals, but who certainly had talents, eloquence, and address to make the most profitable use of his commission. Accompanied by many friars of his order, he proceeded from place to place, and reaped an ample harvest from popular credulity. Every good and patriotic man, every one who had sense enough to distinguish between the practice and principles of the church, joined in execrating the abuses of the questors. It is certain that, through an honourable shame, many of them forsook this iniquitous traffic; but their place was supplied by others as efficacious as themselves, and less scrupulous. The whole Dominican order, which had so many sons engaged in the traffic, was laden with ridicule, with contempt, and with execration. The friars of St. Augustine, above all, were disgusted with the profanation; and it was probably at the command, certainly with the approbation, of his superior, the Augustine vicar Staupitz, that MARTIN LUTHER began to attack the sale of indulgences, and thus to hasten the reformation which had for ages been demanded. Martin was born in 1493, at Eisleben, in the lordship of Mansfeldt, on the night of the saint whose name he bore. His father was not, as some Roman catholics have devoutly supposed, a demon or an incubus, but an honest mechanic, originally very poor, but soon placed in more easy circumstances by industry. At an early age, Martin, who was evidently destined to a nobler calling than a worker in metals, was placed in the school of Eisenac; and he studied with such success, both there and at Magdeburg, that he was sent to the university of Erfurt in Thuringia, where he took his degree in arts. At twenty this was no ordinary honour; and his reputation was increased by the quickness of his wit and the vigour of his sallies. He does not appear to have entered deeply into scholastic philosophy or the study of the fathers; and he was addicted to disputation,

rather than to silent musing. But his was an extraordinary mind ; and that he was born to excel others, was soon felt by his schoolfellows. That he was religiously disposed from his early years, is evident from his own epistles ; and an accident not uncommon in itself,—the sudden death of a fellow student,—drew him from the world to the cloister. He forsook his studies in law, and presented himself at the monastery of the Augustinian hermits of Erfurt. He was joyfully received, as every man who had made much proficiency in learning was sure to be ; and hopes seem to have been entertained that he would prove one of the brightest ornaments of the order. This hope was strengthened when his application to study was witnessed ; and he had soon the reputation of being one of the most promising ecclesiastics in Germany. But whether he had what a Roman catholic would call a vocation for the monastic state, seems to have been doubted even by himself. The first months of his profession were passed gloomily enough. He was, as he himself acknowledged, disturbed by horrid fancies,—a proof that his habits ill adapted him to retirement. His superior, Staupitz, endeavoured to console him by the opinion that God was trying him for some gracious purpose. It was, doubtless, at the same instigation, that he so vigorously applied to the study of Scripture, and of the scholastic divines, especially Aquinas, Oecham, and Duns Scotus, and in this occupation he often neglected to eat or sleep. Much as we may admire his diligence, it is impossible not to perceive that his studies were not well directed. Had he wished to understand the revelation of the divine will to man, he should have followed, as his interpreters, not the schoolmen of the thirteenth and fourteenth centuries, but the fathers of the three first. With them, however, he was not conversant ; and at every page of his controversial writings we perceive that he was no theologian. In 1507, he embraced holy orders ; and the following

year was sent by his superior to teach philosophy at Wittenberg. Here he acquired so much celebrity, that, in 1512, Staupitz insisted he should take the grade of doctor in theology, and the elector of Saxony undertook to pay the expenses of his magnificent reception.\*

Of a bold, even a fiery temperament; zealous for what he conceived to be the truth; devotional in his thoughts, irreproachable in his morals; Luther resolved not to conceal the abuses which reigned around him. Among these, the most prominent as the most odious was that of indulgences, which, in 1517, Tetzel began to preach in the diocese of Magdeburg. Without disputing the power of the pope to grant such extraordinary things, he directed his first attacks at what all men acknowledged as an abuse; and was stimulated in his zeal by his superior Staupitz. It has been supposed that the hostility of the vicar-general of the Augustines to the preaching of indulgences arose from his jealousy of the Dominicans, who were at this time exclusively intrusted with the commission. For this opinion, however, there appears to be no foundation: Staupitz was evidently an enlightened and a virtuous man, and this hostility does honour to his memory. The same praise must be conceded to our young doctor; who assuredly had no other interest in the question than such as was common to every Christian.† His indignation was raised by the proofs he daily witnessed how incompatible were these indulgences with morality. When sitting in the

\* Guiccardini, *Istoria d' Italia*, lib. 18. Sleidan, *De Statu Religionis Commentarius*, lib. i. Seckendorf, *Historia Reformationis*, p. 1—21. Wulfius, *Lectiones Memorabiles*, tom. ii. p. 32, 73, &c. Lutheri Epistolæ, lib. i. passim. Maimbourg, *Histoire du Luthéranisme*, tom. i. p. 13. Beansobre, *Histoire de la Réformation*, tom. i. liv. i. Raynaldus, *Annales Ecclesiastici* (sub annis). Pallavicini, *Historia Concilii Tridentini*, tom. i. lib. i. Dupin, *Historia Ecclesiastica*, cent. xvi. lib. i. Harpius, *Dissertationes de Nonnullis Indulgientiarum Quaestionibus*, p. 584, &c.

† The common relation that Staupitz and Luther were actuated chiefly by revenge, because the sale of indulgences had been taken from the Augustinians and conferred on the Dominicans, is an idle fable. The Dominicans had generally been intrusted with the commission, from the thirteenth to the sixteenth century; the Augustinians never, though a few individuals of the order were occasionally joined in the commission with Franciscans, or Carmelites, or even Dominicans.

tribunal of penance, he sometimes heard the confessions of the purchasers, who, in virtue of the transaction, refused to receive the satisfaction he enjoined. In return, he refused to absolve them ; and they complained to Tetzel, who threatened with the stake every profane sceptic as to the efficacy of the indulgences. Luther was not to be moved by the threats of an intemperate and interested zealot : roused in his turn, he drew up ninety-five propositions, which he launched at the abuse, its authors, disseminators, and favourers. In this celebrated thesis, he maintains that the pope has power to remit canonical penalties ; but that, in regard to the penalties required by divine justice, he can only *declare* the remission ; that the penitential canons could not be extended to the dead ; that the money arising from the sale of indulgences could only gratify the avarice of the questors ; that they who depended on the efficacy of the instruments they obtained, would be damned, and their leaders with them ; that true contrition of heart and amendment of life would infallibly obtain pardon without papal letters ; that indulgences could not be of the same value as works of mercy, since their only end was a mitigation of pain, while ~~charity~~ exalted men ; that if the former were at all necessary to the repose of souls, it was the pope's duty to distribute them gratuitously, nay, even to sell the church of St. Peter and distribute the money to the poor, who might thus be enabled to purchase the advantage ; that the whole system was a device to rob mankind ; that if a new cathedral were necessary, the pope, who was as rich as Croesus, should build it at his own expense ; that the true treasures of the church were not in the power of the pope, but were contained in the Gospel and in the operation of the Holy Ghost. Assuredly there was nothing in these conclusions at variance even with the Roman catholic doctrines ; not one of them but might be defended by the authority of some orthodox divine. It is, however, certain that, in some respects, they deviated from the opinions generally entertained during the last three centuries, when corrup-

tion was added to corruption, and religion hidden under a heap of worldly vices. Yet that there were many spirits in Germany, whose faith had a better foundation, is evident from the applause with which the thesis was received. The most catholic declared that it was consentaneous with the doctrines of the church ; that the pope could only remit the canonical penance incurred in this life ; that his power did not extend to the other state. Luther enclosed his propositions in a letter to the archbishop of Magdeburg, whose interposition he besought ; observing, that if the instructions issued by that prelate's authority were not revoked — if an end were not put to an abuse so insulting to the reason of men — the falsehood of the system would soon be exposed by some orthodox writer. Without waiting for the archbishop's reply — which, indeed, would have been useless — he affixed his propositions to the gates of the church at Wittemberg. Most of them, however, he did not publish as incontrovertible truths ; he represented them merely as doubts which agitated his mind, which he was anxious to discuss with the learned, and which he was ready to admit or reject according as they should be found agreeable or repugnant to the catholic faith. In his sermons from the pulpit of the same church, which was crowded with distinguished hearers, he assumed a bolder tone, and represented as certainties what he had previously proposed as doubts. In this there was no inconsistency, still less insincerity. Opinions, whether true or false, are progressive ; one proposition tends to another : as we ascend, the prospect increases ; and what may appear obscure from one point of view, may be clear at another. Never did theses spread with so much rapidity. Scholastic as was the subject, it interested every person ; and, for the first time, men began to enquire on what foundation the doctrine of indulgences stood. Even among the most bigoted, the opinion was universal, — that indulgence was merely a remission of the *temporal* penances awarded to certain offences by the canons ; an opinion which Luther, in

speaking and in writing, defended with much force of reasoning. Nor was the celebrity which he now acquired, caused less by the manner than the subject of his disputes. The ardour of his character led him into a boldness, often a violence, of language, which, though unworthy of a reformer, was calculated to make a deep impression on a people, to many of whom the very name of pope was odious. Many, while they held that the papal authority should be preserved, were anxious to confine it within reasonable limits. These, no less than the others, hailed the success of the Wittemberg doctor as the dawn of that reformation for which Christendom had sighed since the twelfth or even the eleventh century. But if the majority were pleased, the Dominicans were at once incensed and alarmed. Tetzel, their provincial, after condemning to the flames the theses of Luther, endeavoured to answer them by a series of counter conclusions, which did more harm to his cause than the worst efforts of its enemies. As an inquisitor, Tetzel was odious to the nation ; as one who most profited by indulgences, his opinions were naturally received with suspicion ; his violence of manner, his eagerness to contradict, led him into many absurdities, which drew on him the severe animadversions of his own party. His work was accompanied by 150 propositions on the authority of the pope, which the Wittemberg professor had so vigorously assailed. This treatise was more mischievous than the other. It elevated that authority above general councils, and dignified with the obligation of faith every decree emanating from the papal chair : it declared that St. Peter himself had not more power than Leo X., the husband of the church universal ; whose authority was incommunicable as that of Christ, and whose decrees were as binding in heaven and on earth. Such blasphemy, we might suppose, would have made the very stones cry out ; and many catholics there were, who applauded the students of Wittemberg, when they committed the conclusions of Tetzel to the flames as publicly\*and as\* ceremoniously as the Dominicans

had committed those of Luther. In short, it may be truly said that three fourths of the Germanic clergy, including the same proportion of dignitaries, either openly or secretly approved his efforts, in the hope that the sale of indulgences, which they regarded as the curse of religion, as the opprobrium of their church, would for ever be destroyed. To sustain Tetzel, two other controversialists entered the field, — Prierias, master of the sacred palace, and Eckius, professor of theology at Ingolstadt. Luther, who had scorned to answer the Dominican, contended with them; and the honour of the contest, notwithstanding his coarse invectives, was doubtless his; since it chiefly regarded points which no ingenuity could sustain,—those relating to the unbounded authority of the pope and the efficacy of indulgences. It is, however, certain that he had no intention of separating from the Roman catholic church; that if he wished to circumscribe, he would have been loth to destroy, the papal power. Nothing can exceed the humility of his letters to Leo: — “Wherefore, most holy father, I throw myself prostrate at your feet, with all I have or am. My life and death are in your hands. Call or recall me, approve or condemn me, as you please: I shall acknowledge your voice as the voice of Christ, who presides and speaks in your person.” Though much of this humility was doubtless feigned, to disarm the resentment of one whom he dreaded, there can be no doubt that he still beheld the chair of St. Peter with respect. The intemperate zeal of Prierias and others, who showed their intolerance by clamouring for his destruction, and their ignorance by continuing to elevate the papal character above every thing, aroused the number of his adherents; but it was evident that the struggle was at hand, and that he must triumph, or retract, or perish. How, indeed, Leo should remain so long inattentive to these disputes, is surprising: his authority was openly assailed, yet he long refused to take cognizance of the affair. He called it a mere squabble among friars, which, if left to itself, would soon fall.

The truth is, Leo was little attached to Christianity : he cared not who disputed about the doctrines, so that himself were left in undisturbed possession of the splendours, of the church. The remonstrances, however, of his advisers, and, above all, those of the emperor Maximilian, who had at first beheld the reformer with favour ; but who, however, affected to be alarmed at the consequences ; roused him from his lethargy. Luther, who from indulgences now passed to doctrines, by assailing free will, and the ordinary means of justification, was cited to appear at Rome, within sixty days, to purge himself from the guilt of heresy. But Cajetan, the papal legate, hearing of the new propositions, at once declared him a heretic, and summoned him to appear before his tribunal at Augsburg : if penitent, the reformer was to be absolved and re-admitted into the church ; if obstinate, to be detained until Leo's pleasure was known. It was fortunate for the latter, that the citation to Rome was superseded ; that the cause was to be examined within the bounds of the empire,—a favour granted to the prayer of the elector of Saxony and the university of Wittemberg. Still he was unwilling to appear, and nothing short of duke Frederic's commands could have forced his obedience. Through his friends, however, who were as powerful as they were numerous, he had the precaution to obtain a safe-conduct from the emperor.\*

1518. Luther repaired to Augsburg, the place appointed for  
 1519. the assembly of a diet, in the month of October, 1518. He was accompanied by Staupitz, and by Lintz, two of his confidential friends. By Cajetan he was received with respect ; but no good could reasonably be expected

\* Sleidan, *De Statu Religionis Commentarius*, lib. i. Seckendorf, *Historia Lutheranismi*, tom. i. p. 21, &c. Lutheri *Epistolæ*, passim. Maimbourg, *Histoire du Luthéranisme*, tom. i. liv. i. Beausobre, *Histoire de la Réformation*, tom. i. liv. i. Mosheim, *Institutiones Historiæ Ecclesiasticae*, cent. xvi. sect. i. cap. 2. Raynaldus, *Annales Ecclesiastici* (sub annis). Pallavicini, *Historia Concilii Tridentini*, tom. i. lib. i. cap. 4—8. Dupin, *Histoire Ecclésiastique*, cent. x. lib. ii. cap. 1. Schmidt, *Histoire*, tom. vi. liv. viii. chap. 3. Paulus Jovius, *Historia sui Temporis*, tom. i. Struvius, *Corpus Historiæ Germanicæ*, tom. ii. (*De Maximiliano I.*) Guiccardini, lib. xii. Trithemius, *Annales*, A. D. 1512, &c.

from the conference. The cardinal, who said that he had no commission to dispute, demanded an unconditional submission ; the professor, while expressing the utmost regard for the church, refused to submit, until his theses were shown to be erroneous. Faith, he observed, could not be fixed by the legate, or by the pope. St. Peter himself had erred, — was Leo more infallible ? This language, indeed, was contrary to that which he had formerly held, — that in which he had declared his resolution to submit to the papal decision, be it what it might. But when he held it, his followers, though numerous, were not powerful, and dangers surrounded him. He now referred the decision to the universities of Bâle, Fribourg, Louvain, and especially Paris, whose voice he could receive as that of the church, and yield to it a perfect submission. On one or two occasions, Cajetan seems to have lost sight of his resolution not to dispute, and to have been unwarily led into the controversy respecting the nature of indulgences. Here he could not, eminent as he was, appear to much advantage ; and we may believe the Lutherans, when they tell us that it remained ~~with~~ their chief. The novel doctrines of justification by faith, and the predestination of the elect, he regarded with contempt, and repeatedly urged a retraction. There was, indeed, no hope of success from disputation. On the one side, if the cardinal was profoundly versed in the learning of the schools, he had no great acquaintance with Scripture ; on the other, if Luther was versed in Scripture, he was not much acquainted with the comments of the fathers and doctors. In the end, the latter, driven to an extremity by the legate's instances ; and perhaps fearful, that if he remained longer in Augsburg, his safe-conduct would prove of as little avail as that of Huss had proved ; secretly fled from the city, leaving in the hands of a notary an appeal to the pope. This was merely an evasion ; for, as the sequel will show, he was resolved to disregard the papal decision, unless it favoured his cause ; and it was offensive to Caje-

*tan, who throughout the whole of this transaction exhibited equal moderation and dignity.* It was, however, justifiable, except in so far as the deception was concerned: he did well to retreat, but not to enter his appeal. At his departure, he wrote a submissive letter to the cardinal, whose moderation he praised; not forgetting to condemn his own violence, which he acknowledged had exceeded all bounds of decorum. By the university of Wittemberg, which had probably not expected to see him again, his return was hailed as a triumph; but the elector, though resolved to protect him, was embarrassed. The offended legate demanded the surrender of the doctor, or at least his expulsion from Saxony. Frederic did not wish to quarrel with the Roman see, perhaps to bring on his own head the censures of the church; and he was equally unwilling to part with Luther, whom he justly regarded as the brightest ornament of the university he had founded, and as a champion destined, perhaps, by providence, to reform the Germanic church. He soon discovered an expedient. In his reply to Cajetan, he observed Luther had not yet been convicted of error; that until the church spoke, he should regard him as innocent; that justice forbade him to punish any man before conviction, much less one whose doctrines were declared to be orthodox. There can be no doubt that Frederic believed what he said; and that he ascribed the hostility of the papal see towards Luther, solely to the vengeance of those who were interested in the continuance of abuses. When Leo published a bull declaratory of the received doctrine respecting indulgences,—that the pope, as Christ's vicar on earth, had the power of granting them in favour of such as, whether alive or dead, were in a state of grace,—Frederic by no means regarded the question as decided. A pope might err; a general council only could speak the sense of the church. With Luther, the case was different: *he* had promised submission to Leo's decision; but finding that it was opposed to him, he

*formally appealed from the pope, as ill-informed, to a general council.* Both, however, would have been placed in a more embarrassed position, had not the seasonable death of Maximilian procured them a twofold good : it removed one who was likely to become an enemy at a period exceedingly critical ; and it placed in the hands of Frederic, as hereditary vicar of the empire, the government of the provinces subject to the Saxon law. This event emboldened Luther to proceed with greater confidence. Incensed at another treatise of Prierias, who, if possible, outdid even Tetzel in elevating the papal prerogatives, he republished it, accompanied by notes of his own, more bitter than any which he had hitherto penned. He observed, that if the papal pretensions were indeed such as Prierias represented them, if the flatterers of Rome still persisted in diffusing such blasphemies, they should first be exhorted to repentance ; and if the exhortation were fruitless, then all men should rise and exterminate them as monsters who invested man with the divine attributes. If such, he proceeded, are in reality the doctrines taught to Rome, then do I boldly declare that Antichrist is seated in the temple of God ; that he now reigns in Rome, the scarlet Babylon ; that the Roman court is the synagogue of Satan. The conclusion was still more emphatic :— “ Farewell, wretched Rome ! lost, blaspheming Rome ! the wrath of God in its highest measure is upon thee, according to thy deserts ! Instead of profiting by the prayers which have been offered for thee, thou art become the more misled : we have cleansed the wounds of Babylon, but she is not healed. Let her remain the dragon’s den, the abode of unclean spirits, an everlasting confusion. Wholly filled is she with every thing detestable,— perjured, apostate, infamous, thievish, simoniacal, idolatrous, avaricious, she is a new Pantheon of iniquity ! ” To the whole Christian world one thing was evident, — that such a man could not be removed by violence, or even by the assumption of authority ;

and conciliatory measures were adopted. Miltitz, a Saxon gentleman, was sent as nuncio to Frederic, whom he was ordered to present with a consecrated rose of gold, and at the same time to try what effect mildness and persuasion might have on the professor. At Rome there was a well founded notion that Tetzel had not only wholly mistaken the circumstances of the case, but had far exceeded his powers ; that even Cajetan had not used sufficient management ; and in this feeling Leo, though condemning those who resisted the efficacy of indulgences, had carefully refrained from designating Luther, lest he should close the door of reconciliation. It was thought that if Cajetan had offered Luther a cardinal's hat, no reformation would have come from *him* : now, the time of treaty was past. Miltitz endeavoured to win the confidence of the reformer. One of his first steps was to sacrifice Tetzel, whom he loaded with ignominy, for advancing, respecting the papal authority, positions which no good catholic could endure. The frequency of his convivial meetings with the reformer excited a suspicion of his ~~fidelity~~ to the trust reposed in him ; but apparently without foundation : for though he embraced the person, demanded the friendship, and praised the talents of the professor, he earnestly besought him to be reconciled with the pope, who was anxious to receive him. But if the nuncio compromised the dignity of his see, he could gain little beyond evasions, or promises which there was no intention of fulfilling. Luther was, indeed, persuaded to write a letter (March, 1510) to the pope, so extraordinary, that posterity could not believe it to be his, were it not inserted in his works, and were not its authenticity admitted by his warmest adherents. In it, he declares that he, the meanest of men — dust and ashes — again presumes to address the most holy father, the high majesty of the pope. He besought his holiness, who had the mild patience becoming a father and a vicar of Christ, to receive with favour the

groanings of a sheep which belonged to his fold. Adverting to the reproach of Miltitz, that he had been deficient in respect to the holy see, he laments that an enterprise which he had undertaken with the sole view of honouring the Roman church, should have been misunderstood by Leo. "What," he exclaims, "most holy father, shall I do? I know not what counsel to take. I cannot support the weight of your anger; yet I see no way of escaping it. I am solicited to revoke my theses; and this I would instantly do, if the effect desired could be produced by it." He explains his meaning: his books were in every body's hands, and could not be revoked; and his retraction would injure the church, because men would believe that it approved the impositions, the blasphemies, and the other impieties which had been the objects of his attack. He protests that he never meant to deny the power of the pope, which was inferior only to that of Christ; that he will always exhort the people to honour the Roman see; that he will justify it from the impious exaggerations of the questors; that he will for ever renounce his opposition to the *substance* of indulgences, provided his adversaries are made also to renounce their monstrous impostures; that, in a word, he will leave nothing undone to satisfy his holiness! "Il faut avouer," says Beausobré, one of his most ardent partisans, "que cette lettre est un triste monument de la foiblesse de l'homme." He adds, that Luther would be inexcusable, if he had at this time the knowledge he afterwards exhibited in regard to the origin and nature of the papal authority. This apology would be a legitimate one, if it were true; but he had already declared the pope to be Antichrist; and *at this very time* he wrote to Spalatin, one of his disciples, that he was in doubt whether the pope were Antichrist himself, or the apostle of Antichrist. No casuistry can here save Luther from the awful charge of deception, unless we suppose that he wrote the letter when under the influence of wine, at the request of his boon companion Miltitz. Unfor-

tunately, however, it is not the only instance of duplicity that can be adduced against him from his writings and his correspondence. When pressed, for instance, to submit his cause, not to Leo, who had already condemned his propositions, but to the German prelates, who could not possibly bear any ill-will towards him, he promised to abide by the decision of the archbishop elector of Treves; but that this was merely a device to gain time, appeared from his absolute refusal to be present, though the elector had undertaken the delicate office, and preparations been made for the interview. Again, though he had promised to refrain in future from hostility to the pope, on the condition of moderation being imposed on the preachers of the indulgences; and though this condition was fulfilled; neither his pen nor his tongue ceased to be active. From the pulpit of the church at Wittemberg, he continued to denounce both his opponents and the authority of Leo; and to maintain theses which no rational member of the established church in England would hesitate to declare heretical.—He now, appeared as a public disputant at Leipsic, to defend Carl., one of his disciples, who had been challenged by Eckius, the bishop of Marienburg, in whose diocese Leipsic was situated. The university protested against a public disputation on two grounds: it could not, they well knew, lead to any good; and its object was to make laymen judges of what none but the most learned laymen can possibly understand,—matters of faith. The will, however, of George duke of Saxony, who offered his palace for the occasion, prevailed; and the polemics repaired to Leipsic in the month of June, 1519.\*

\* Struvius, *Corpus Historiae Germanicæ*, p. 979. Echeider, *Scriptores Ordinis Prædicatorum*, tom. ii. Loscherus, *Acta et Documenta Reformationis*, tom. ii. cap. 11. et tom. vi. cap. 7. Sleidan, *De Statu Religionis Commentarius*, lib. i. et ii. Lutheri Epistole, passim. Raynaldus, *Annales Ecclesiastici*, A. D. 1518, 1519. Seckendorf, *Commentarius Historicus Apologeticus de Lutheranismo*, passim. Beausobre, *Histoire de la Réformation*, tom. i. liv. 2. Maimbourg, *Histoire du Luthéranisme*, tom. i. liv. I. Mésheim, *Historia Ecclesiastica*, cent. xvi. sect. 1. Bossuet, *Histoire des Variations des Eglises Protestantes*, liv. i. Schmidt, *Histoire*, tom. vi. liv. viii. chap. 3. Coxe, *House of Austria*, vol. i. chap. 26, 27.

Schmidt and Coxe, catholic and protestant, have a moderation highly honourable to their cause. To the rest, little praise can be awarded.

Neither the dispute at Leipsic, nor the reformation itself, can be understood without a knowledge of the fundamental doctrine with which Luther astonished the world. Hence, though averse to controversial divinity, we should ill discharge our duty to the reader, if we failed to explain that doctrine, and show in what it differed from the established creed. The subject is as curious in itself, as it is necessary to our purpose, since it exhibits the divergence of human opinion in concerns the most momentous. As we are neither Roman catholics nor Lutherans, we cannot fairly be charged with partiality.

The fundamental stone of Luther's religious edifice 1519. regards the justification of man. From the earliest ages, the church had taught that the principles of justification are two, — faith and good works. By faith was understood a simple belief in the doctrines and duties proposed in the Christian church. Good works, as a condition equally necessary, could only be produced by the Spirit of God influencing the heart ; but then, as the human will co-operated with grace, there was believed to be some merit in such works. Lest, however, vanity should arise, it was earnestly inculcated, that as " *et* works could not be produced by the mere will, their value entirely depended on the operation of the Holy Ghost ; that in all things the glory was God's, since the will itself was of grace, and as much a gift of God as the sanctifying influence of His Spirit. Both were the gratuitous effect of the divine mercy, — the former implanted in man at his creation, the latter procured by the merits and sufferings of Christ. Though the will had suffered less by the fall than any other faculty of man, it was, of itself, powerless to good ; and, until it was assisted by divine influence, it could not take one step towards the attainment of life eternal. Still one great advantage remained : being free, the will could call on God, through Christ, for a measure of His grace, to aid its imperfect efforts. Hence, in the language of the schools, the *grace of congruity*, or the co-operation

of God and man, as required in the work of salvation ; and hence the propriety with which, by the ancient fathers, man is called *socius Dei*.

But this doctrine, though so reasonable as always to have satisfied the common sense of mankind, and though approved by every rational Christian of the present day, did not satisfy Luther. He held that man is *wholly corrupt*, in will no less than in every other faculty ; that, consequently, he has not the power either to wish what is good, or to co-operate in the slightest degree with the Spirit of God ; that, on the contrary, all his wishes, all his thoughts and feelings, are naturally and necessarily towards evil ; and that nothing short of the *resistless* force of the divine will can counteract the tendency. Thus, as man is entirely passive in the work of his salvation ; as he is the mere recipient of the divine grace, which produces every thing within him — the will no less than the deed ; the salvation of the few, and the reprobation of the many, are equally the work of God. If, as Luther taught, they only could be saved, whom God chooses to visit with his Spirit ; if the operation of the Spirit were always effectual — in other words, *resistless* ; unconditional predestination to life, and reprobation to death everlasting, were a consequence too inevitable not to be received. Hence he contended, that those only could be saved, whom God in his hidden councils had from eternity decreed unto life ; those only could be damned, whom he had decreed to that fate. — Leaving for the present, however, this monstrous doctrine, and reverting to that of man's justification, the reasoning and authority by which he attempted to establish his point, are sufficiently explicable. He had read in Scripture, that mankind have been redeemed by Jesus Christ, and that through faith in Him we are saved. Hence he concluded, that faith in the death of Christ alone sufficed for justification. By it His righteousness is *imputed* to us ; in other words, by the operation of this principle we become participators in the merits of Christ, and are thereby enabled to offer His righteous-

ness instead of our own. But what is this faith by which the merits of Christ are applied to us? It is not a mere belief, however deep and sincere, in the truths of the Gospel — in the divine authority of the doctrines and duties declared by inspiration. It is a new and special principle — a personal application of the belief that Christ died for us ; it is a mere act of the soul, by which, while we offer that belief unto Christ, we also believe that, in virtue of that act, our sins are at once remitted. Hence the formation of one act of faith, — “ I believe that Christ died for *me*,” and “ I believe that through that death my sins are pardoned,” — constitutes the sum and substance of justification ; that act being endowed with a certain mysterious virtue, by which the merits of Christ and pardon of sin are applied to our souls ! Strange as this dogma must appear to every mind unbiassed by sectarian principles, who does not see the reason of its adoption ? *Believe in the Lord Jesus Christ, and thou shalt be saved!* is the frequent and solemn injunction of Scripture : it means, • Believe in the character and mission of our Saviour, in the divine authority of the religion which He inculcated, in the efficacy of His merits, sufferings, and intercession ; in other words, believe the doctrines which he taught, and practise the duties which he enjoined. The peculiar propriety of this command at a time when Judaism and idolatry divided the whole earth, — a command which simply implied, *Forsake your present religion, and embrace Christianity!* — must be apparent to every one. That, in such circumstances, it should be earnestly and incessantly enforced, was inevitable. But this meaning of the word *faith*, though so natural, obvious, and so universally received from the origin of Christianity, did not satisfy the professor of Wittemberg. As we have seen, he assigned to it one equally novel, inexplicable, and incomprehensible ; thereby transforming religion into a system which excluded not only philosophy but common sense. We may add, that in twenty instances besides the present, he dis-

turbed the minds of men by departing from the established meaning of words, and assigning another which, however it might suit his peculiar system, rendered the definition always a difficult, sometimes an impossible, task to his theological adversaries.\*

1519. Were the peculiar meaning assigned by Luther to justification by faith a mere doctrinal matter, without any influence over the conduct of men, without any connection with vice or virtue, it would deserve little notice. But its effect, though not so intended, is dangerous. By teaching that the justifying principle comes entirely from a special visitation of God's Spirit ; that there is nothing within us to co-operate with it ; that it consists in a mere act of faith, by which we are firmly persuaded that our sins are forgiven, — that act being the gratuitous effect of God's favour ; he directly opposed the foundations of repentance and of good works. " If you believe," is the substance of his doctrine, " with the same assurance that your sins are forgiven, as you do that Christ died for the world, your salvation is certain ; but to be infallible, the belief must be absolute ; there must not be the shadow of distrust, or you still remain under condemnation." The mischief of the doctrine was, that while such stress was laid on the necessity of believing that our sins are absolutely forgiven, little, or even none, was placed on that of repentance. The merit of good works was, in a peculiar degree, the object of Luther's aversion. He held, that in the best action there might be sin ; and in a more rigorous sense than he intended, this is true ; for as motives are often recondite, and as self-love adds to our blindness, we may easily deceive ourselves. But he contended, that such actions have in them, *of necessity*, the nature of sin ; while the works of God —

\* Lutheri Opera, in a multitude of places, especially in his Commentaries on the New Testament. S. Augustinus, De Gratia, cap. 1. S. Anselmus, De Concordia Gratiae cum Libero Arbitrio, passim. Pallavicini, Historia Concilii Tridentini, lib. i. Bossuet, Histoire des Variations, tom. i. liv. 1. Dupin, Historia Ecclesiastica, cent. . i. lib. ii. cap. L Beausobre, Histoire de la Réformation, tom. i. liv. 1.

viz. the works produced by us through God's grace,—however repulsive in appearance, are of eternal merit. He did not consider that, as the good works we perform are wrought in us by divine grace, they are, of necessity, also the works of God, and, consequently, meritorious. To exclude all subject of confidence, he taught that every good work of the righteous would be a mortal sin, if they did not fear it might be so: if they did not tremble lest every act, however conformable with the divine word, would bring damnation on their heads, there could be no well-founded trust, no exclusion of presumption. In this case, there could be no hope for obedience; since no man could know that his obedience were pleasing to Heaven; since it might have the nature, not of virtue, but of sin. If, however, the Christian were thus forbidden to confide in the sincerity and efficacy of his repentance, he was not to doubt that his sins were pardoned; for pardon depended entirely on the pleasure of God, not on any good disposition of the creature. “Believe that you are saved, and you *are* saved, whatever be your inward disposition!” is the monstrous advice of this celebrated reformer. Hence that watchfulness which every man was constantly to exercise over his own heart; that severe scrutiny with which he was to weigh his own motives; that rigorous self-examination, to ascertain whether the conscience were attuned with the music of God's word, whether its harmony had been violated; were vain and superstitious. One thing only was to be feared,—lest faith should not be sufficiently strong—lest even the justified sinner should have the impiety to doubt that his offences were remitted, that he was in the favour of God. If such a doctrine were true, as is forcibly observed by an excellent divine of our own church \*—if a mere act of faith were sufficient to justify us, and the conviction of that justification the only or the chief condition required from us, instead of saying with the man in Scripture,

\* Dr. Zachary Pearce, chaplain to Charles II., in his *Twelve Sermons on the text, “What shall I do to be saved?”*

*Who, then, can be saved?* our only exclamation should be, Who, then, can be damned? To teach that faith, not repentance, was the necessary condition of justification, opened the door to immorality; and Luther was compelled to modify his doctrine by inculcating, that where there was no amendment of life, there was no *true* faith. Assuredly he had no wish to encourage immorality; he held, like the most orthodox, that without repentance there could not possibly be remission of sins. But the mischief was not the less inevitable; since he taught that repentance cannot *precede* justification; that it is no disposition, no preparation whatever; that it follows faith as naturally, as necessarily, as the shadow follows the substance; that the best works *prior* to pardon — prior to that mysterious act of faith which has greater power than the Arabian talisman — have, in reality, the nature of sin. If, then, contrition of heart and amendment of life be impossible before justification; if, before that inexplicable change, the best works be sins; why trouble ourselves about them? The convert is, indeed, taught, that, *after* justification, good works are inevitable; but this proposition is no less monstrous than the other. What is this mysterious connection between belief and practice? That men may sincerely believe in the divine authority of Scripture, and have a deep acquaintance with its injunctions, promises, and denunciations, yet live as if they had no such belief, no such knowledge, is confirmed by all human experience. If the devils themselves believe, so, often, do the wicked. Infidelity, in fact, is much rarer than we generally suppose: even the men who never open the sacred volume, or enter the walls of a religious edifice, cannot either so far smother the operations of conscience, or so far divest themselves of the instruction, however imperfect, they received during childhood, as not to dread a hereafter. They believe in the certainty of a future judgment; they know how that judgment can be rendered pro-

pitious ; yet that belief and this knowledge have no effect on their lives. Of this fact, Luther, who did not want acuteness, however he might be deficient in learning, and still more in philosophy, was well aware ; and he was compelled to reject the definition which, during fifteen centuries, had been applied to faith, and assign the novel one we have already noticed, — that divine was altogether different from human faith ; that it was not attainable by the human faculties ; that it was a miraculous gift, endowed with miraculous properties. *What* this faith is, he no where attempts to explain ; simply, because he acknowledges it to be above comprehension. It is a principle to be *felt*, not to be *understood*. To ask him by what authority, or on what ground, he thus insulted the common sense of mankind, and perverted the oracles of God, would have been a useless enquiry. The reply might have been, that such was the meaning of the word ; that if this meaning were not clearly and deeply felt by the enquirer, *he* was not in a state of grace ; that the whole was a mystery hidden from the wise, and revealed unto babes ; that God only could enable him to understand the word. With such an adversary, all disputation were useless. Rejecting the established acceptation of terms, he claims a measure of knowledge superior to that held by the rest of mankind ; proclaims himself a favourite of heaven, supernaturally taught and led ; and contends that no man can be wise unto salvation, or can be favoured as *he* is, who does not renounce all human means of knowledge, and forsake the domain of reason for that of enthusiasm. Assuredly there is nothing so repugnant to reason as this Lutheran doctrine.\*

With such opinions on the part of the reformers, 1519. what benefit could be expected from the conference at Leipsic ? Few, however, could be more imposing. The

\* Chiefly the same authorities. Add Luscherus, Acta et Documenta Reformationis, tom. iii. cap. 7. Seckendorf, Commentarius Historico-Apologeticus de Lutheranismo, *passim*.

dukes of Saxony and Pomerania, the magistrates of Leipsic and the neighbouring cities, the university of the place, with many doctors from other parts, exclusive of a multitude of students and laymen, were present. A president was named ; secretaries were chosen to commit the acts to writing ; the speakers were authorised, and even exhorted, to deliver their sentiments with impunity ; and the universities of Erfurt and Paris were constituted judges of the dispute. It was opened by Carlstadt and Eckius, who, during several consecutive days, maintained it with spirit. It chiefly regarded grace and free-will, consequently it involved the nature and means of justification. Carlstadt defended the proposition of his master, by contending, that by nature we are wholly unfit ; that our will can neither turn us to good, nor co-operate with God's spirit ; that, consequently, there is no merit of condignity ; that the will is in all cases the passive recipient of grace, which works within it all the good effected by man. Man, indeed, can will and do ; but he can will and only do what is evil ; that the will and the power to do good must come from above. On the other hand, Eckius contended that the will is not the passive recipient of grace ; that on feeling the divine influence, it co-operates ; that it is thereby roused into action ; and that its concurrence is necessary both for the commencement and progress of the Christian life. By holding, too, that the will can apply for the assistance of the spirit ; that it can alone take the initiative in the work of salvation—agreeably to that injunction of St. Jerome, which exhorts the sinner to cease from evil, and to the doctrine of St. Bernard, which calls man *socius Dei* ; Eckius still further removed from the theses of his adversary. The concord of the human will with the operations of grace, he declared to be a necessary preparation for the reception of the justifying principle ; that though, in the work of sanctification, the will is passive, that sanctification has been procured, in some degree merited, by the congruity. We may

observe, that Eckius here yields too much to his opponents. By the ablest doctors of the church universal — and in this we comprise the Greek and the English, no less than the Roman catholic church — especially by St. Anselm\*, it has been shown that this concord of the will is necessary not only to the reception of grace, but throughout the operation of the sanctifying principle ; so that its active position will accelerate, no less than its secession will destroy, and its indifference suspend, that mysterious operation.— As to the honour of the dispute, it was, of course, claimed for Carlstadt by the Lutherans, and for Eckius by the catholics. One who belongs to neither may observe that, independent of the merits of the subject, Eckius greatly excelled his adversary in scholastic learning, in knowledge of the fathers, and in eloquence, while he was inferior to the other in the adduction of scriptural texts. But even this advantage of Carlstadt is neutralised by his perversion of the meaning that a succession of ages had applied to them. From a careful examination of the acts, we have no hesitation in asserting that the laurel must be awarded to Eckius. That Luther was sensible how incompetent was his ally and disciple to struggle with the Roman catholic polemic, is evident from his interruption of the controversy. In the midst of it, he preached in the chapel of duke George's castle a sermon, which he well knew would direct the hostility of Eckius towards himself. The latter immediately selected from Luther's works thirteen propositions, which he met by as many counter theses. They regard most of the points at issue between the protestant and Roman catholic churches. The thirteenth, being that which denied the superiority of the Roman see over churches, and the consequent supremacy of the pope over all other bishops, was made by Eckius the first in the order of discussion. He maintained that the church was a monarchy, with a divinely constituted head. Luther admitted the fact, but contended that

\* See Europe during the Middle Ages, vol. iv., sketch of St. Anselm.

the head was no other than Jesus Christ ; and in support of his argument he adduced several scriptural texts. Eckius objected the authority of St. Jerome and of St. Cyprian ; but was answered, that the testimony of St. Cyprian supported the contrary. In this, Luther was doubtless wrong ; for though St. Cyprian condemns frequent appeals to Rome, he calls the Roman see the centre of sacerdotal unity ; and the very fact that appeals were carried thither, proves the light in which antiquity beheld that see. The authority of St. Jerome could not be shaken by Luther ; but he contended, that the supremacy of the pope extended only to the Western church, and that it was not *jure divino*, but founded on custom and tacit consent. Still less could the disputants agree on the interpretation of the celebrated passage, *Thou art Peter, &c.*; which seems to mean no more than this,—“ Thou art Peter (a rock), and upon a *rock* I will build my church ;”—for as to the accompanying particle in the Greek text, it may have been added by transcribers who conscientiously believed the pope's supremacy, and that this supremacy was involved in the text. In this dispute, the reformer appears to have had the advantage ; and no less so, in proving that general councils might err, as that of Constance had lately done. Unfortunately, however, for his cause, that council was dear to Germany ; and the proposition that a council, the depositary of doctrine, could be deceived, was heard with displeasure by a great majority of the spectators. Some odium, too, was cast on him, because he enforced three or four of the propositions of Huss, which Huss had derived from Wycliffe. In these there was nothing perhaps unreasonable : but Bohemia and its reformers were detested by the Germans ; so that here, again, national feeling predominated.—On the question of purgatory, which comprised the second subject of dispute, Luther had evidently not made up his mind. He admitted, though with reluctance, the existence of a middle state ; but asserted that souls there had merit of

their own, sufficient to release them, when God's justice was satisfied, from the torments they endured ; while Eckius endeavoured to show that they had no merit, and their deliverance could be expected only from the suffrages of the saints, from the papal power of the keys, through the medium of indulgences. Here, again, Luther was victorious.—In the third subject of dispute, the nature of indulgences, Luther had so decidedly the advantage, that he seems to have drawn his antagonist to his own opinion ; at least the latter introduced points which, however consentaneous with the belief of the wise and good, had been opposed by Leo and other popes. In the ordinary, or at least the interested, acceptation of the term, indulgences were, as the reformers well proved, a virtual abolition of good works ; since they conferred a dispensation from the penalties incurred by him who had offended. The conviction that such a dispensation could be procured for money, that the penalties denounced against any particular transgression would never be enforced, was not likely to deter from crime, with those who could command the means of redemption. But Luther did not deny that the pope had power to grant dispensations from temporal penalties ; that, in themselves, indulgences were not censurable : he assailed the abuse only ; and in these sentiments Eckius concurred.—The fourth subject of disputation, repentance, was little more than a dispute about words. Luther contended, that without love, no action could be agreeable to Heaven ; Eckius thought fear might deter from sin ; but both agreed that fear without love is not religion, though it may be an introduction to religion.—In regard to the subsequent points of dispute, absolution, grace, and free will,—subjects on which Carlstadt again entered the lists,—we shall only observe, that there was fundamentally less difference between the parties than their words conveyed. Respecting the whole controversy, and the peculiar opinions of Luther, we may adopt the words of a modern English divine :—

“ The doctrine of justification by faith alone, without works, was an early and favourite tenet of Luther, and a leading principle in the articles of religion drawn up by him : and although it seems at first sight to be merely a doctrinal point, yet it had an extraordinary tendency to weaken the papal authority ; for by excluding good works as entitling men to salvation, it took away the merit of works of supererogation, and thus over-set the doctrine of indulgences, and other sources of papal revenue. Luther afterwards carried this principle to such excess as to adopt the doctrine of absolute predestination and necessity, in almost the same degree as Calvin. Against these positions, the Roman catholics asserted the reality of free-will, and the consequent necessity of good works, as well as faith ; and even the warmest adherents of Luther cannot deny that he was often reduced to the most absurd conclusions and embarrassing dilemmas, to maintain his doctrine.”—“ On the subject of free will, grace, and good works, the catholic divine prevailed in point of argument ; but Luther had the advantage in the articles relative to the supremacy of the pope, indulgences, and the inferences deduced from these principles.”\*

1519, During these disputes, Luther was not insensible to  
 1520. the storm which threatened him from Rome ; and he used every art, now to divert its fury, now to obtain shelter when it should fall on his head. His conduct, however, was occasionally marked by inconsistency ; for if he professed at one moment submission to the Roman see, in the next be openly defied it. Hence he has been charged with duplicity, no less than with violence. His Commentary on St. Paul’s Epistle to the Galatians, which appeared in 1520, was undertaken

\* Seckendorf, *Commentarius Apologeticus*, ubi suprà. Loscherus, *Acta et Documenta*, tom. iii. cap. 7. Lutherus, *Resolutiones super Propos. Lips. Disput.* (*Opera*, tom. ii.). Pallavicini, *Historia Concilii Tridentini*, tom. i. lib. 1. cap. 15, 16. Sleidan, *De Statu Religionis Comment.* lib. i. p. 22. Dupin, *Historia Ecclesiastica*, cent. xvi. lib. ii. cap. 5. Mosheim, *Historia*, cent. xvi. sect. 1. cap. 2. Beausobre, *Histoire de la Réformation*, tom. i. liv. 2. Coxe, *House of Austria*, vol. i. p. 44.

with the twofold view of proving that men are justified by faith alone, and that the pope was the very Anti-christ, the beast of Babylon. In it he accumulates every opprobrious epithet to the disparagement of the Roman church ; and that, too, in a tone so indecent, that it would not be tolerated in the lowest publication of the day, much less in an exposition of Scripture. And in a letter, written to his friend Spalatin, a domestic officer of the elector, he says,—“ I despise alike the anger and the favour of Rome : henceforth I will have neither peace nor communion with it. Let it condemn, let it burn, my books, if it please ; and, in return, I will condemn and burn the decrees and constitutions of the popes. I will for ever renounce submission. I have already shown too much, since it has only increased the pride of the enemies of the Gospel.” Yet, at this very time, he wrote to a cardinal at Rome : he besought that dignitary to interfere in his affair ; that he would submit to any thing short of a formal recantation, and of being branded as a heretic. The tendency of his writings, however, was both to throw off the papal authority, and to secure himself against the papal vengeance. This was, above all, evident in three treatises which he composed at this time. In his *Præludium de Captivitate Babylonica*, he assails several of the Roman tenets and observances, especially the sacraments,— those, above all, in which the Roman power and wealth was founded. Protesting his regret for the favour which he had hitherto shown towards the Roman see, he declares that he is now much wiser than he was ; that if he had allowed the virtue of indulgences, he now stigmatised the whole as a fraud, devised to procure money at the expense of faith ; that the popedom, instead of being *jure divino*, was a perfect Babylon ; that the sacraments were not seven, but three,— Baptism, Penance, and the Lord’s Supper ; that in the eucharist, though the bread and wine remain, there is really present the body and blood of Christ ; that, however, it

was immaterial whether transubstantiation or consubstantiation were the belief of the Christian, and he allowed either notion to his followers; that the mass is not a sacrifice; that the sacraments have no divine virtue, no efficiency, inherent in them, and that if grace accompany them, it is obtained through the faith of the partaker; that baptism, for instance, is useless, if unaccompanied by faith, the principle which alone gives it vitality; that confirmation and ordination are mere ceremonies; that marriage is merely a civil contract; that divorce in case of adultery is lawful, and the parties may marry again; that priests may marry as well as other people; that there is no distinct character in ordination, since all pious laymen are priests, and may, as such, administer the sacraments; that extreme unction is vain, useless, and not of divine authority, since the Epistle of St. James, the only scriptural warrant for the tenet, was never written by any apostle, and contains nothing worthy of an apostle. The hostility of the reformer to that epistle, which he stigmatises as *straminea*, fit only to be burnt, is obvious. St. James not only was believed to sanction extreme unction, but, beyond any other writer in the sacred canon, does he enforce the necessity of good works; and it is for this latter reason especially, that he incurs the wrath of the Wittemberg theologian. To be prepared against the consequences of this præludium, Luther composed, in the vernacular language, another work still more offensive. In it he affirmed that the emperor was the natural superior of the pope and the clergy; that every priest was a layman, every layman a priest; that both orders of men were equally bound to fulfil the commands of the prince; that the authority now held by the pope, such as that of confirming bishops, of calling general councils, and determining the sense of Scripture, were the lawful prerogatives of the sovereign, who ought to reclaim from the Roman tyrant the sword which God had intrusted to him; that the cardinals

were a set of useless men, not above four among them having either learning or morals ; that whatever power the Roman court possessed, was a manifest usurpation ; that the pope's power, and the whole system of canon law, should be annihilated. He knew that the papal pretensions were no welcome subject to the Germans ; and so long as he endeavoured to prove from history that they had occasioned most of the troubles the empire had sustained, the hearts of the people might be expected to go along with him ; but, in the violence of his invective, he overshot his mark. If the Germans were willing to circumscribe the papal authority, they were averse to augment the imperial : they knew, that if it were taken from one, it would be bestowed on the other potentate ; and if it were allowed to exist at all, far better that it should remain in the hands of the present holder, than be transferred to one who would assuredly use it with less moderation. Hence this treatise had little effect,—as little as a submissive letter which he addressed to the new emperor, Charles V. ; and in which he displayed, with considerable ingenuity, the most favourable parts of his system. Charles, though sufficiently inclined to stretch the imperial prerogatives to their utmost limit, was at heart a thorough Roman catholic. He believed that the papal authority, however it might have been abused; was of divine ordination ; and the doctrinal novelties of Luther still more indisposed him to the change now in operation. In fact, Luther's own conduct,—his alternate violence and dissimulation, his inconsistency,—had taught the sober part of mankind to distrust his motives. Insincerity seemed to be his predominant defect. To instance another example: when the pope seemed hostile to his views, he took care to separate the papacy from the church, and to express the most profound submission for the decisions of the latter, however unfavourable they might prove to his own opinions. Should he, should any man, dare to place his private judgment in oppo-

sition to the declared will of the whole body ? a will which, on more occasions than one, he admitted to be infallible ? Whether it were so declared by a general council, or by two or three orthodox universities, or by a commission of Germanic prelates, was sufficient for him : come whence it might, be its purport what it might, it should find a ready obedience in him ; and, by a solemn public act, he protested that, happen what might, he would live and die in the Roman catholic church. But when the two universities of Louvain and Cologne condemned some dangerous propositions in his works, he defied their censures, and exalted more than he had hitherto depressed the authority of the holy see. He had, he said, like a dutiful son of the church, laid his works before the supreme head, whose decision he was daily expecting. Whence the presumption of these universities towards our holy father Leo, from whose hands they had snatched his books, whose privilege of interpretation they had usurped ? Was the pope to be thus degraded ; to be made a cipher in the church universal ? It was, doubtless, some such acknowledgment as this, that made the nuncio Miltitz averse to break off his negotiations. He prevailed on the Augustinian friars to remonstrate with their refractory brethren ; to advise moderation and submission to the church. Two superiors of the order, celebrated as much for their desire of reformation as for their abilities, and even their regard for Luther, prevailed on him to promise that he would write a letter of unconditional submission to Leo. Whence this weakness ? If he had promulgated many erroneous propositions, undoubtedly there were some founded in truth, which did not deserve to be thus strangely abandoned. We fear, however, the cause was worse than weakness : that it was a part of that duplicity in which he could equal any man of his own time. He wrote, indeed, a letter, accompanying a copy of a treatise on Christian liberty, — a treatise chiefly remarkable for its denying the merit of

good works, and for its zealous inculcation of the doctrine that we are justified by faith alone, — but such a letter was never before addressed to a pope. In it he says, that though he has had to war with many monsters, he had never ranked the holy Leo amongst the number ; that if he had appealed to a future council, he had been forced to do so by the intemperance of the pope's flatterers ; that he had never denied the papal authority, nor spoken ill of the person of Leo ; that if he had been so lost to all sense of respect for the dignity, he would instantly revoke whatever he had said or written ; that, though the Roman court was notoriously more corrupt than Sodom or Babylon, his holiness was untainted, — a Daniel among lions, an Ezekiel among serpents. As a mark of especial condescension, he offers to be at peace with Leo ; provided, first, he shall not be required to recant what he has already written ; and, secondly, he shall be allowed to interpret the Scriptures in his own way. The audacity of this letter ; its insulting sarcasms, preceded as they had been by unparalleled duplicity and violence, could not be overlooked. It was now evident that the writer would never submit ; that no reliance could be placed on his promises ; and it was resolved to temporise no longer, since delay would only invigorate his errors. A congregation of cardinals was assembled ; the works of Luther were laid before them ; and the bull of condemnation was drawn up, sanctioned, and published. After an invocation of Christ, of St. Peter, St. Paul, and all the saints, who are brought to help the church in its hour of need, Leo proceeds to lament the prevalent heresy, and to condemn, from the writings of its chief, forty-one propositions, — some as manifestly heretical, some as scandalous, others as rash and dangerous. They are very fairly extracted ; and though all were thus censured by Leo, some are founded alike on Scripture and reason. That the faithful should receive the communion under both kinds ; that the treasures of the church, whence

the pope distributes his indulgences, are not the merits of Christ and the saints ; that indulgences are pious frauds, since they cannot, in reference to the divine justice, remit the punishment due to actual sin ; that they do not conduce to salvation ; that they are not necessary for the dead, the dying, the sick, the innocent ; that excommunication does not affect the spiritual nature of man, nor deprive him of the prayers of the church, but is merely an outward punishment ; that some articles of Huss were unjustly condemned ; that to burn heretics is to act against the spirit of God ; that purgatory cannot be proved by any text of canonical Scripture ; that the bishop of Rome is not the vicar of Christ, any more than other metropolitans, nor is directly invested with the supremacy over the church universal ; that the bishops and secular princes would not do ill, if they abolished every community of mendicant friars ; are propositions which, in the main, appear consistent with reason and Scripture. On these subjects Luther was strong beyond any man of his age ; and his labours must be lauded by posterity. But, unfortunately for human nature, it is seldom contented with a medium ; and, of all men that ever lived, the German professor was least inclined to moderation. So that he assailed the dominant church, especially its odious hierarchy, he cared not what paradoxes he advanced, what propositions he maintained. That his object was not a sincere wish to discover the truth, but to cavil at every thing revered, to pull down every thing received, appears to us manifest from most of his remaining propositions. He taught that sacraments do not confer grace ; that after baptism, sin remains in the infant just as before ; that original sin, if there were no actual, would prevent the departing soul from immediately entering heaven ; that fear in dying is alone sufficient to exclude us from heaven ; that repentance does not involve satisfaction for our evil deeds, but consists merely in a change of life, without any care for the past ; that contrition only makes a man a hypocrite and a greater

sinner ; that towards remission no repentance avails, but faith alone ; that in the sacrament of penance, absolution might be pronounced by any layman — nay, by any woman or child ; that excommunication should be rather courted than feared ; that the church cannot draw up articles of faith ; that the just man sins in all his works ; that every good is, at least, a venial sin ; that to resist the Turk would be to resist God himself, who had ordained the Turk to scourge mankind ; that there is no such thing as free will. These, and many other propositions condemned in the papal bull, however they may be received in the conventicles, have no connection with Scripture or reason. No less a doom than excommunication was decreed against all men who henceforth held, defended, or preached any of them. To Luther himself sixty days were allowed for his retraction ; but if, at the end of that time, he was still obstinate, he was declared excommunicate, his works were to be burnt, and an interdict laid on whatever place he might inhabit. To give due solemnity to this important instrument, two nuncios, Eckius and Aleandri, were sent into Germany to watch over its execution. So great, however, was the agitation of men's minds, that in some parts it could not be published ; in others, the partisans of Luther openly trampled it under foot ; in many it was suffered to be executed, but no enthusiasm attended the act, no sign of public approbation hailed the committal of the reformer's writings to the flames. Of these men who condemned his doctrines, many thought that the precipitation of the pope was not to be approved ; but the indifference of the majority proved that the influence of Rome was departed.\*

\* Loscher, *Acta et Documenta Reform.* tom. iii. cap. 8, &c. Meyer, *De Pontificatu Leonis X. Processum adversus Lutherum Improbantibus Dissertatio (Ecclesia Romana Reformationis Lutheranæ Patrona).* Pal-

ANALOGUS VIT LUTHERIENSIS, tom. i. liv. 4. Beaupre, *Histoire de la Reformation*, tom. ii. liv. 3. Dupin, *Historia Ecclesiastica*, cent. xvi, lib. 2. cap. 6, 7, 9. Mosheim, *Historia*, cent. xvi. sect. i. cap. 2. Bossuet, *Histoire des Variations*, tom. i. liv. 1, 2. Pluquet, *Dictionnaire des Hérésies*, tom. ii. art. *Luther*. Sleidan, *De Statu Religionis*, lib. ii. Schmidt, *Histoire des Allemands*, tom. vi. liv. 8. chap. 4.

1520, Though the emperor Charles was easily persuaded to  
1521. execute the bull, so far as his influence extended, Luther was not daunted by the event. On the contrary, his resolution rose with the occasion. He could rely on the frequent pledges of support which he had received from some German nobles ; and he knew, that though the elector of Saxony was cautious and politic, his good will was not wanting. Of this Frederic gave a signal proof, in refusing to send Luther to Rome at the demand of the nuncio. He would not, he said, defend heresy, but he wished the professor to be examined in person before a competent number of unbiassed ecclesiastics ; that there should a safe-conduct for Luther's journey and return ; that if the crime were there proved, he could not, as a true son of the church, protect Luther any longer. From this moment the reformer became the open enemy of the holy see ; never again did he treat it with the slightest respect, but denounced it as the seat of every evil, as a curse to Christianity and the world. In the first impulse of his wrath, he set all consequences at defiance. Having renewed his appeal to a general council, he proceeded, in three successive publications, to assail the bull, its author, and the court of Rome, in language so unmeasured, that, whatever might be thought of his zeal, no man could praise his Christian temper. The titles of two — *Adversus execrabilem Antichristi Bullam*, and *Assertio omnium Articulorum Martini Lutheri in Bullam Leonis X. novissime damnatorum*—will sufficiently prove both his fury and his adherence to his doctrines. In the former, he calls the pope tyrant, apostate, Anti-christ, liar, devil. Leo had offered him money to defray his expenses to Rome, to answer for his faith : willingly would he go, if the money were sufficient to hire a retinue of 25,000 foot and 5000 horse : he should then need no safe-conduct ; and his holiness should not fail to have such an answer as was deserved. It thus concluded : — “Pope Leo,— If you do not renounce your blasphemies, your impieties ; learn that not only I,

but every servant of Christ, will consider your throne as the damnable one of Antichrist, which we will not obey, and with which we will have no communion. We detest it as in mortal enmity to Christ ; and we are all ready to suffer with joy your unjust persecutions ; and, that we may gratify your barbarous tyranny, we voluntarily devote ourselves to death. If you persevere in your madness, we condemn and deliver you over to Satan, with your bulls and your decretals." In the latter treatise, he not only repeated every objectionable proposition which had been condemned, but placed them in stronger language, and added greatly to the number. He concluded by asserting, that, unless the mad pope were reduced to reason—nay, to silence — there was an end to Christianity ; that there was no medium between fleeing to the mountains, and ridding the world of the Roman murderer ; and advised his countrymen not to trouble themselves about the Turk, until the very name of pope was destroyed on earth. And lest his meaning should not be sufficiently clear, he added, in a subsequent work, that the pope was a wild beast possessed by devils, against whom every village, every hamlet, should rise ; and to condemn whom there needs neither judge nor council. He proceeded, addressing Leo,— " Whatever you condemn in John Huss, I approve ; whatever you approve, I condemn : such is my retractation ! does it satisfy you ?" And to prove that he was as much a pope as Leo, he burnt publicly, at Wittemberg, the papal bull, the decretals, and the controversial writings of his opponents ; nor could he avoid expressing his regret that he was unable to inflict the same fate on Leo himself. Never was fanaticism greater than his, when, amidst a prodigious concourse of students and people, he threw the obnoxious books into the fire, exclaiming, — " Since ye have troubled the holy of the Lord, everlasting fire be your portion !" It was doubtless at his instigation that his disciple, Ulric de Hatten, reprinted the papal bull, with notes as full of wit as they were of scurrility. As this strange commentary

turned the whole into ridicule, it had readers even among the Roman catholics : it afforded amusement from one end of Germany to the other.—By most protestant writers, Luther has been highly praised for his courage on these occasions. In our opinion, they are the acts of one whose passions were ungovernably fierce ; who, to gratify his personal resentments, would have wrapped the world in flames. That he acted prudently in withdrawing from the Roman catholic communion before he was expelled from it, is manifest ; but surely he might have done so with modesty. Half of his propositions, as condemned in the bull, richly deserved the censure ; half of them have, since his time, been actually condemned by the most distinguished theologians, whether catholic or protestant, of Europe ; and the sight of this Wittemberg professor, imprecating, with more than papal arrogance, curses on the heads of those who differed from him, is assuredly not one of the most edifying. It is acknowledged by some, even of his warmest admirers,—a candour, however, which has not been imitated in this island,—that many of his propositions were hasty, false, and even dangerous. “ It cannot be denied,” says Beausobre, “ that many of his positions, considered in themselves and apart from his explanations, were censurable. He took pleasure in giving them a paradoxical air, which might surprise by its novelty : influenced by his desire to combat all established opinions, he ran into vicious extremes ; and, in his turn, published many things not only rash, but dangerous in their consequences, through the impressions necessarily left in the mind of the reader.” Here, we apprehend, is to be found the true secret of Luther’s hostility to the Roman church. He perceived many abuses, which he honourably assailed ; but, influenced by a strong feeling of vanity, and by a degree of resentment against his opponents unequalled even in religious controversy, he resolved to assail every doctrine received by the Romish church, so far as he could without altogether renouncing Christianity. That he effected

much good, is acknowledged even by the members of that communion ; that he was the cause of much evil, must also be conceded by the candid protestant. While hailing the reformation in many respects as a good, — good for the abuses it destroyed, good even for its effect on the Roman catholic church, — we deplore, deeply deplore, some dangerous novelties which it engendered. Let us not, however, forget that the good counter-balances the evil ; that to Luther we are indebted wholly for religious, and in some degree for civil, liberty. The state of the Christian world when Luther appeared, was bad ; a reformation was inevitable ; and, if it have not been effected without mischief, if it be not so pure as we could wish, let us be grateful that there is much that is excellent in its composition. We hail the work, though historical justice compels us often to condemn the instrument.\*

Urgent as were the instances made by the nuncios to 1521 procure from Charles the condemnation of Luther and his adherents, they were vain. Not only the elector of Saxony, to whom the emperor was indebted for his crown, and for whose virtues he had a high respect, but several powerful princes, insisted that the professor should not be judged unheard. It was not, indeed, safe to place so celebrated a man thus summarily under the ban of the empire ; and Charles wrote to the elector to request that he would produce Luther at the diet at Worms. Yet, notwithstanding the number of the reformer's adherents, Frederic well knew that most of them were ignorant of the theological merits of the question ; that the majority of the princes were still for the ancient faith ; and he was too prudent to incur the re-

\* Spalatinus, *Annales Reformationis*, a. d. 1520. *Lutheri Op̄era* (Epistles and Prefaces, vol. i.) Sleidan, *De Statu Religionis Commentarius*, lib. ii. p. 53, et lib. iii. cap. 2. Pallavicini, *Historia Concilii Tridentini*, tom. i. lib. 4. cap. 20—27. Beausobre, *Histoire de la Réformation*, tom. ii. liv. 3. Mosheim, *Historia Ecclesiastica*; necnon Dupin, *Historia, ubi supra*. Paulus Jovius, *Historia sui Temporis*, tom. i. Loscher, *Acta et Documenta*, tom. iii. Gerdes, *Historia Renovati Evangelii*, tom. ii. Struvius, *Corpus Historiæ Germanicæ*, period x. sect. 4. § 14. Seckendorf, *Commentarius Hist. Apol* p. 147, &c. Juncker, *Vita Lutheri*, p. 470. Goltzstus, *Reichshandlungen*, p. 105. Thuanus, *Historia sui Temporis*, lib. i. Myconius, *Historia Reformationis*, cap. 10.

sponsibility of openly protecting him. In his reply, he protested that he had never undertaken to defend either the books or discourses of Luther ; that, if he had besought his imperial majesty to suspend the execution of the bull, his only motive was to avoid precipitation in a matter of grave importance ; that the accused offered to appear wherever he should be cited, simply on the understanding that he should have equitable judges. He added, that the behaviour of the legates had been indiscreet, and intimated that the partisans of the re-former were to be managed rather than awed. But could Luther be persuaded to visit Worms ? A safe-conduct, indeed, might easily be procured from Charles ; but what had it availed to John Huss, in similar circumstances ? The time, however, was more favourable than that of his Bohemian predecessor. *His* opinions had supporters in every town and district of the empire, while those of Huss were confined to a small despised kingdom. Among the princes of the land, many, he knew, openly or secretly favoured him ; and over those who directed popular opinion,—over doctors, tutors, clergy, and even monks,—he had influence. The learned were generally favourable to him, because he was understood as the champion of the humanists against the theologians \* ; the clergy, who had always been enemies to celibacy, hailed the dawning of a system which promised them wives—and which, by annihilating the power of the hierarchy, would render them independent of pope and council ; the monks hoped to escape from a profession which they felt to be wearisome, and mix once more in the world. Not only the elector Frederic, but George duke of Saxony, and two powerful counts, were favourably disposed to a reformation of abuses ; and even of the ecclesiastical princes, two were not indisposed to it, though none appear to have meditated a change in doctrine. These circumstances were maturely weighed by Luther, who conditionally promised that he would be present at the diet. It is evident,

\* See the concluding pages of Vol. II.

that he would not trust solely to the emperor's word, and that he required the sanction of the diet, or at least of the more considerable members, to the instrument he demanded. But at one time all his expectations were nearly thwarted through the address of Aleandri. The nuncio thought that, in a cause where the pope had already decided, where condemnation had been pronounced against both the writer and the works, a diet—even the ecclesiastical princes, much less the laymen—had no right of cognizance ; that the assumption of such cognizance was a direct insult to the holy see ; that, as the spiritual thunders had already been launched, all that now remained was for the civil magistrates to apply the temporal penalties decreed against heresy by all the Germanic codes, by the common law of Europe. He therefore laboured to convince the diet that the writings of Luther were levelled not merely at the discipline, but at the doctrines, of the church, and at all government, temporal no less than spiritual. In an oration of three hours, he contended that the writings of Luther assailed the authority of general councils no less than of the pope ; that, consequently, there could be no supreme tribunal to decide in controversial points the sense of Scripture, but where every man was permitted to judge, there might be, and probably would be, as many religions as heads ; that they denied the free will of man, contending that good and evil were the result of an unconquerable necessity,— a doctrine which must open the door to vice, since, if there were no merit in virtue, there could be no demerit in crime ; that they annihilated the efficacy of the sacrament, by denying the operation of grace ; that they abolished the sacerdotal order, by empowering even women and children to confer the sacraments, and to absolve from sin : that they destroyed the obligation of human laws, under the pretext of Christian liberty ; that they abrogated that of vows, however solemnly taken ; that their natural tendency was to plunge all government, all law, all society, into complete anarchy. He concluded by de-

manding an imperial edict, which should arrest the course of the evil, and punish its authors.

Though there was some intolerance and much declamation in this discourse, it made a deep impression on men who, from their ignorance of scholastic subjects, had been taught to believe that these opinions merely regarded the manifold abuses of the church—the profligacy and rapacity of the hierarchy, from the pope down to the simplest monk. After some deliberation, all agreed,—for the few who were of a contrary opinion, were forced to join in the general expression—that the new heresy should be suppressed without delay. The address of the elector saved Luther. He observed, that before the diet proceeded to condemnation, equity demanded that the professor should be examined before it, to learn whether the propositions so justly censured, were or were not his. Other princes supported the suggestion, declaring that there was no legal proof of Luther's being the author; that if he were, some of his propositions were universally admitted to be good; and that it did not become them to burn the truth at the same pile with error. The proposal was disagreeable to the nuncio, who observed, that what the pope had once decided, could not be re-examined. He feared that the paradoxes of Luther might make an impression on men entirely ignorant of scholastic subtleties: probably, too, he trembled for his own reputation; for though his learning and abilities were acknowledged to be respectable, the Wittemberg professor was said to be unrivalled in disputation. But his opposition was fruitless: even Charles declared that Luther should be heard, lest any one might say that he had been condemned unfairly; but added, that he should not be suffered to dispute; that two questions only should be asked him,—whether he were the author of the obnoxious propositions; and if so, whether he would retract them. It was accordingly resolved, that a safe-conduct should be sent him, guaranteeing his security on the way to the diet, during

his stay, and his return. As had been previously concerted, his friends demanded that the instrument should be signed, not only by Charles, but by the most powerful princes then assembled ; and thus it was expedited to Wittemberg. On receiving it, Luther could not hesitate to obey the citation. He knew, that if the emperor were inclined to follow the base example of Sigismund, he had guarantees enough ; first in the sanction of the princes, and next in the attachment of the inferior nobles, the deputies, and the people, who hailed him as a man destined to break the iron yoke of the hierarchy.

In April, 1521, he left Wittemberg in a magnificent carriage, guarded by 100 horsemen, and even accompanied by the imperial herald, who was recently a disciple. As he proceeded, he preached from time to time, with great vehemence, upon his favourite subjects of attack. In so doing, he was violating the imperial command ; but the universal homage he received, the threats of vengeance which he hourly heard uttered against all who should venture to injure a hair of his head, emboldened him. His journey was a triumph ; and in this respect was a striking contrast to that of the nuncio, who, though in the suite of the emperor, had reason to tremble for his life. As he approached Worms, however, the apprehensions of Luther's friends were renewed by the intelligence that the pope had repeated the censures of the church, and exhorted the civil power to seize him wherever he might be. Of his escort, eight horsemen only adhered to him. But his soul was undaunted : in his usual manner, he declared that he would go to Worms if he had to meet as many devils as there were tiles on the houses. Notwithstanding, however, the intrepidity of his character, he well knew that on the present occasion, at least, he encountered no great danger. On reaching Worms, the influence and number of those who exhorted him to be courageous, reminding him of the divine promise, *And ye shall be brought before governors and kings for my sake ; but when they deliver you up, take no thought how or what you shall speak,*

gave him new confidence. On the 17th of April, he was asked the two questions to which we have alluded,— Whether he were the author of the books in which the censurable properties appeared? if so, whether he would maintain or retract them? To the first he replied in the affirmative: the second, he begged time to answer in such a manner as neither to contradict the word of God, nor his own conscience. He had assuredly had time enough to consider the subject; but as there was a hope of his retraction, he was allowed another day. During the interval, not a few of his friends—and they spoke the sentiment of the nation in general—exhorted him to sustain only what he had written against the pope, and in every thing else conform to the doctrines of the church universal. This proposal would effectually have led to the circumscription, perhaps to the annihilation, of the papal power in Germany; but Luther rejected it as unworthy of a reformer. If the court of Rome was corrupt, equally censurable were some of its doctrines; and in combating them by the authority of Scripture, he should be rebellious to that authority if he desisted from the warfare through fear of man. The following day he appeared before the assembly, and to the second question replied that his writings were of a diverse character; that, in some, he had treated only of Christian faith and piety, in such manner that even his adversaries had praised him; and these could not gainsay, lest he should deny the Gospel; that in some he had exposed the inventions of men, and the usurpation of popes, nor could he revoke them without perpetuating a tyranny which all men should conspire to destroy; that in others, which were levelled at the defenders of the pope, he might have expressed himself in unbecoming language, but he could not retract the substance through any thing censurable in the manner; that being a man, he was liable to error, and would, if convicted by holy writ, readily commit any portion, or the whole, of his publications to the flames. Hence he retracted nothing;

knowing that, by appealing to the authority of Scripture, he should maintain his own consistency, and satisfy his partisan. Such an appeal might safely be made. The Bible he well knew to be the most mysterious book in the universe ; that passages could be adduced to support any article of faith ; and over an unlearned people, his interpretation would have as much influence as that of his adversaries. Yet though there appears throughout to have been much of calculation in his conduct, let us by no means insinuate that he was not sincerely impressed with the truth of the doctrines he taught. Erroneous, as many of them were, the cause lay in his limited range of reading, in his ignorance of the original languages of Scripture—for of Hebrew he was wholly ignorant, and was no critic in Greek—in his imperfect acquisition with the great commentators, especially with the apostolic fathers.\* But if his conviction was sincere, was that any proof of its truth ? If he was right in opposing some of the Roman catholic tenets, was he equally justifiable in assailing others, which have ever since been admitted by the more enlightened portion of the protestant world ? Nor did he consider whether the motives which had led to his conviction were always of the purest nature. In his personal antipathy to Rome, while smarting under the lash of his opponents, his only object was to proceed as far as possible from the beaten track of divinity : in this view alone did he peruse the Scriptures ; and we cannot wonder that such a disposition should frequently find passages to gratify it ; and that they should be so eagerly received, as to exclude that calm, sober, unbiased investigation, with which every philosophic Christian, every honest enquirer after truth, would approach the awfully mysterious records of heaven. Of him it may be truly said, that in the word of God he looked for his own passions, and

\* Brucker (*Historia Critica Philosophiae*, tom. i. part i. p. 94, &c.) has endeavoured to exculpate Luther from ignorance of the scholastic philosophy. He was certainly well acquainted with that of the thirteenth and fourteenth centuries ; but he knew little of what had preceded Aquinas. He is much over-rated by Brucker, whose prejudices were all in his favour.

found them.—In the midst of his explanation, he was interrupted by the vicar Eckius (not his old antagonist), who told him that the diet had summoned him, not to dispute, but to declare at once whether he would retract or maintain the propositions which the head of the church had condemned. His reply was the same,—that, unless convicted of error by the Scriptures themselves, he would steadfastly adhere to them ; that he placed no reliance on the judgment of pope or council ; that both were liable to error, and had in fact often erred ; that his own belief, he was sure, was right, and should remain unchangeable. The following day, Charles communicated to the diet his sentiment on the matter before it. As the descendant of princes who had always been faithful to the Roman church, he should defend its doctrines and constitution to the close of his life ; that a simple monk ventured to oppose the faith which had been received a thousand years before, and was received then—to contend that he only was right, while the rest of mankind were in error ; that he would employ his possessions, his influence, his life, if necessary, to arrest the progress of this heresy ; and that he could hear Luther no more, but dismiss him, and afterwards treat him as a heretic. The imperial declaration was approved by the majority ; but many there were, who observed that such a proceeding would lead to a civil war. Of this fact, the elector of Mentz and other princes were sensible ; and in the hope of averting the catastrophe, they obtained from the emperor permission to try what effect entreaty might have on a person who was inaccessible to fear. This expedient equally failed : Luther refused to submit his writings before any earthly tribunal, or to retract a single proposition, unless shown to be erroneous by the authority of Scripture. Well might he be thus obstinate : critical as his position was generally thought to be, he had already arranged with the elector of Saxony the way in which his security should be preserved. Being commanded to leave Worms, provided with an instrument which

guaranteed his security during twenty-one days, he left on the 26th of April; on his way he dismissed the imperial herald; and on entering a forest his carriage was suddenly stopped by a party of armed horsemen in masks, who, causing him to mount, rode rapidly with him to the solitary castle of Wartburg, situated on the summit of a mountain a few leagues from Eisenach. All this was done so secretly, that nobody could discover the place of his retreat; and to divert the minds of men from the pursuit, no less than to bring odium on the Roman catholic party, it was artfully promulgated that his enemies had carried him away. In a month after his departure, by an imperial edict, he was placed under the ban of the empire; he was to be seized wherever he might be, and detained in prison until the emperor's pleasure were known; and no less a doom than confiscation of goods and imprisonment was denounced against all who aided him, or embraced his opinions, or perused his works, which every magistrate was commanded to seize and burn.\*

Severe as were the terms of the edict, it could not be enforced. The presence of Charles was demanded in Flanders and Spain; the elector of Saxony, as imperial vicar, was resolved to spare the professor; few of the inferior dignitaries had any disposition to pursue him, and those who had, were overawed by the voices of multitudes, who breathed vengeance on any prince or functionary that dared to molest him. Even of those most attached to the Roman catholic faith, a majority wished him well; since they were ignorant of the tendency of his doctrines, and looked to him only as a

\* Pallavicini, *Historia Concilii Tridentini*, lib. i. cap. 27, 28. Sleidan, *De Statu Religionis Comment.* lib. iii. Raynaldus, *Annales Ecclesiastici*, an. 1521. Petrus Anglerius, *Epistolæ*, ep. 722. Spalatinus, *Annales*, p. 606. (apud Menckenium, *Scriptores*, tom. ii.). Acta Lutheri Wormatiæ, habita (*Opera Lutheri*, tom. ii.). Seckendorf, *Commentarius Historicus de Lutheranismo*, lib. iii. Dupin, *Historia Ecclesiastica*, cent. xvi. par. i. lib. ii. cap. 10. Mosheim, *Historia Eccles.* cent. xvi. sect. 1. cap. 2. Maimbourg, *Histoire du Luthéranisme*, liv. i. Beausobre, *Histoire de la Réformation*, liv. 3. Putter, *Historical Developement*, vol. i. book 5. chap. 2. Schindt, *Histoire des Allemands*, tom. vi.

reformer who compelled the papal court to hear the universal complaints of Europe. It has been supposed that Charles himself was not sincere in his professions to the Roman see ; that he wished not to destroy, but to suffer Luther, as a very useful check on the conduct of the pope.— From this Patmos, as he called the place of his retreat, Luther soon convinced the world that he was alive, by the furious treatises which he published against his opponents, by the increased zeal with which he defended the most obnoxious of his propositions. In absurdity, as in violence, he far outstripped himself. Probably, the unusual seclusion to which he was now subjected, soured a temper which was never one of the sweetest. He was heard to declare, that he would rather be stretched on the gridiron than rot in such a horrible solitude — than be buried before his time. His first treatise was against a Dominican friar who maintained the papal authority ; and none could be more characteristic of the man ; but as it is a repetition, with increased violence, of his former opinions, we need not notice it. A subsequent treatise against auricular confession was equally strong. *Auricular* confession is certainly not of divine authority ; but as certainly it has been a useful restraint on the passions of men. That it was, however, abused during this period, and long before this period, is indisputable. Satisfied with the observance of the penance enjoined by the priest, and unmindful of that inward contrition which gives confession all its value, the absolved sinner was not likely to learn a stern morality ; he often indulged in a rash, fatal presumption. On the other hand, there were some whose consciences were too tender not to be injured by it : fearful of having involuntarily retained something that should have been disclosed, they consequently distrusted the efficiency of the absolution, and were led to despair. Others, again, through natural delicacy, were afraid to confess their secret thoughts, and committed the sacrilege of concealing them. Nor was there unmixed innocence on the part of the priest

himself. If young, the confession of a certain frailty by a woman of his own age,—of a frailty which could not often withstand the assaults of opportunity,—was most dangerous to his virtue. He, too, might watch for a similar occasion. This is no hypothesis: it has been proved by experience; and to remedy the evil, the canons of several councils have decreed that no ecclesiastic under a mature age should hear the confessions of young virgins, or even wives. That canon, indeed, has been suffered to fall into disuse, owing, doubtless, to the difficulty, often to the impossibility, of an aged priest being within the call of the penitent. But the evil has, since Luther's time, been almost removed by the custom of public confession. From his grated recess, so small as merely to admit a chair, the priest cannot see the penitent outside; and though he hear the whispering of her voice, he cannot possibly know her, unless he is daily accustomed to its tones.\* But though, to the honour of the Roman catholic church it must be confessed, that such instances of clerical depravity have been exceedingly rare, even in the worst times,—much more rare than even among the ministers of the protestant church of England,—Luther had some advantage in the argument; and we can only condemn his uncharitable attempts to turn a very partial into a common evil, and the unbecoming violence of his manner. He did not wish to abolish auricular confession, but only that it should not be obligatory,—a recommendation intended to be followed by the church

\* The discipline of the Roman catholic church in this country, in regard to confession, is highly censurable. The youngest priests have the majority of penitents, even among virgins: and there is not the usual check of confessors in the interior wall of a church, where the kneeling penitent is in sight of all present, pouring her tale of contrition through the gratings: with us, the penitent and the priest are generally alone in the same apartment. So far as regards correctness of conduct, we have a high opinion of the Roman catholic clergy; but such a temptation should not be thrown in their way. Are the bishops ignorant, or are they careless, of ancient canons?—canons which wisdom, as taught by experience, found it necessary to devise. They must remove this evil, or they will have few converts among protestants who are jealously alive to the honour of their female connections. See, on this subject, Erasmus, Exomologesis, seu Modus Confandi.

of England, but for a century, at least, neglected and even forgotten.—In other works, Luther assailed private masses, prayers for the dead, monastic vows, clerical celibacy,—and these with far better reason than attended most of his controversial efforts. But in the midst of his labours, a more formidable antagonist assailed him,—the faculty of divinity, or the doctors of the Sorbonne at Paris. His anger was the more vehement, as in the dispute at Leipsic, held a few months before, he had represented this society as the most enlightened and liberal in Christendom, as the depositary of the true doctrines of the church universal. One hundred and four propositions, extracted from his works, were condemned as detestable errors in faith and morals; as calculated to deceive the simple; as blasphemous against the Holy Ghost; as contrary to Scripture, to reason, and to the interests of society. Luther did not immediately reply to this censure, but he doubtless assisted Melancthon, a much wiser and better man than himself, in the composition of an apology; and in a satire which he wrote a short time afterwards, he displayed considerable force of ridicule at the expense of these divines. They were, in fact, open to ridicule: for their studies, often of an useless, sometimes of a pernicious, character; their scholastic conceits, and assumed importance; had rendered them the pity of the wise, the reproach of the good, the laughing-stock of the world. But, as usual, he went to excess. Henceforth they were the most ignorant of all men; the most stupid of all asses, bears, and idiots; as criminal in their lives as they were beastly in their manners. His writings had a wonderful effect on the public mind. Those against the obligation of monastic vows caused hundreds to quit the cloister, to marry and mix with the wicked. In fact, a full chapter of the Augustines in Lower Saxony, who were always attached to Luther, and ranked among his earliest converts, formally permitted all that were dissatisfied with the state to abandon it for ever. The conduct of these monks did not much commend the step which they had

taken ; but it had necessarily imitators. The prospect of enjoying, without restraint, all the pleasures of life,—pleasures which, to an inexperienced fancy, appeared a thousand times greater than in reality they were,—was too alluring to be resisted. On reaching Wittemberg, or Ulm, or Strasburg, or any other place where the new doctrines were suffered to be taught, the monk had only to ascend the pulpit and preach against his former belief,—in praise of that Christian liberty which the Apostle of divine truth had just proclaimed to a benighted world,—and he had soon admirers who amply administered to his necessities, and enabled him, since “it was not good that man should be alone,” to take a help-mate, and soon to surround his table with half a dozen flourishing vines. The same good fortune, indeed, could not happen to all, since the number of monks thus relieved from thraldom was enough to supply all the churches in Germany ; and in despair of procuring a livelihood, not a few returned to the cloister. But the progress of reform was not the less steady, until it became resistless. Of this fact, no better illustration can be found than in the proceedings at Wittemberg a few months after Luther’s retreat. The elector of Saxony himself was now indisposed against private masses, transubstantiation, and, probably, the worship of images ; though his fear of compromising himself with the emperor and pope made him averse to violent measures. Presuming on his real sentiments, and anxious to prove that he was no useless instrument in the great work, Carlstadt resolved to convince the world, that though Luther was absent, that work should not suffer. To show his contempt for the priestly vow of continence, he married ; and his example finding many imitators, he proceeded to greater extremities. The Augustine friars of Wittemberg had just abolished private masses ; why might not the images be broken, the altars overturned, a new liturgy formed, and every ancient observance replaced by modern rites ? Accompanied by a band of reformers, he entered the magnificent

church of All Saints ; and the work of demolition was commenced with such hearty good will, that in a short time the place was strewn with wrecks of crucifixes, shrines, images, altars, and consecrated vessels. The attempt was hailed with acclamation. This intelligence was communicated to Luther in his retreat ; and at the same time he heard more, which affected him with equal dismay. Carlstadt proceeded to still greater extremities. Conceiving that the doom pronounced on Adam — *In the sweat of thy face shalt thou eat bread* — was obligatory on every descendant of our common parent, he went to cultivate the fields a certain number of hours daily. That any freak should enter the head of such a madcap, will not surprise us ; but that he should draw Melancthon into the same perverse application of the text, is a mournful lesson. The next exhibition was still more extraordinary. Contending that the knowledge of divine truth was the only thing necessary to man, and that the whole of this truth was contained in holy Scripture, they wished that the Bible should be the only book received into the university. Had this barbarous notion, — a notion that had never yet been defended in the darkest ages, — been admitted, there would speedily have been an end of the reformation. Hearing that the students of Wittemberg were exhorted to burn the works of Aristotle and Plato, of Cicero and Tacitus, of the philosophers and schoolmen ; that Melancthon, the most devoted of his friends, was daily working in a baker's shop ; and Carlstadt, the earliest of his associates, was the daily companion of peasants ; that there were other heresies in doctrine and anarchy in discipline ; Luther, who perceived that his reformation was on the brink of ruin, resolved to return. But how was the elector's permission to be obtained ? To apply for it was hopeless ; and he left the castle of Wartburg without so much as intimating his purpose. On the way, however, he wrote to Frederic a letter, extraordinary at once for its fanaticism and boldness. Having deplored the excesses recently

committed at Wittemberg, and declared his resolution to end them, without relying on the favour, or dreading the enmity, of any prince on earth, he distinctly lays claim, not merely to a divine mission, but to miraculous influence. Duke George of Saxony (a kinsman of the elector, distinguished for hostility to the new doctrines) had, he said, persecuted the Gospel ; but he feared not that prince, knowing, as he did, that a single word of his would suffice to rld the world of God's enemy. That he did not allude to the obvious mode of assassination, but to the efficacy of his prayers, is certain from other passages of the same letter. " I write to your highness all this, to prove that I proceed to Wittemberg under a protection infinitely more powerful than yours. I even wish that you should abandon me : the cause which I embrace, needs not for its defence the sword of princes ; God alone will defend it, without human succour. You are weak in the faith, and are not fit to be my protector."—" The emperor cannot require so great a prince as you to take away my life with your own hands ; but if he do, tell me ; and, whether you believe me or not, learn that, for my sake, your life, your soul, your welfare are secure." Leaving the reader to make his own reflections on a letter so extraordinary, we proceed to relate that Luther soon arrived at Wittemberg, where, ascending the pulpit, he declaimed furiously against the pious archdeacon Carlstadt, who dared not utter one word in reply. As many of the reformers, and as he himself, inwardly approved the motive of the sacrilege, he could only condemn the time and manner. The same thing, he observed, might be laudable in some circumstances, and censurable in others. The real cause of his reproof was his jealousy lest any of his disciples should presume to encroach on an authority which he represented as divine, and which in its virtual exercise was not inferior to the papal. Of this fact no doubt will be entertained, when we observe that, immediately afterwards, the very reforms which Carlstadt was thus assailed for attempting, were carried

into effect by the senate of the university, with the consent, however reluctantly obtained, of the elector :—not that Frederic did not oppose many of them ; but there were others which, being of an indifferent nature, might have been tolerated, since policy required that the breach between the two parties should not be unnecessarily widened. But this jealousy is acknowledged even by Luther, in one of his epistles :—“ *Ille (Carlstadt) cupiebat fieri subito novus magister, et suas ordinationes in populo, pressâ auctoritate meâ, erigere.*” And it is admitted by Beausobre, one of the least scrupulous historians of the reformation :—“ *Il paroit par ses propres lettres, que la jalouse eut part à cette action, et que Luther ne put souffrir qu'un autre lui disputât la gloire qu'il s'étoit acquise.*” But Carlstadt was not to gain wisdom by experience : as great a fanatic as Luther, and equally eager to acquire an enduring name, he resolved to act a separate part. In this view he opposed the favourite tenet of Luther on the real presence ; contending, that after consecration nothing but bread and wine remained ; that Christ was not present in the sacrament, which was merely a rite instituted to perpetuate the remembrance of our Saviour's last supper. But such was the hostility he encountered from Luther, that he was compelled to leave Wittemberg. The first place of his retreat was a town of Thuringia, where, being no longer awed by the presence of a superior, he gave a free rein to his fancies. Among his favourite tenets, was the natural equality of mankind ; that the distinctions in the social state were tyranny ; that laws and magistrates were worse than useless ; that the Christian owed subjection to no man, but only to the law of God. In this respect he favoured the anabaptists, of whom we shall hereafter have occasion to speak. But he excited Luther's indignation by calling him a vain and sensual man, a flatterer of princes, and something too of an idolater, since he retained the real presence, and a service very similar to the mass. According to this heated partisan, the degree of orthodoxy, no less than of virtue, depended on the comparative zeal with

which he assailed the Romish church. Luther had assailed it in many things; but as he had not opposed it in all, he was merely in the *rudiments* of the Gospel. His discourses were well calculated to impress the vulgar; and commotions followed, considerable enough to attract the attention of the elector, who despatched Luther to assuage them. On his way, the latter preached at Jena, in presence of Carlstadt, whom he designated as a worker of sedition. After the sermon he was visited at his hostel,—the Black Boar, which has obtained great celebrity from this circumstance,—by the archdeacon. Carlstadt, after attempting to justify himself in regard to the sedition, declared that he could no longer support the doctrines of Luther on the real presence. “In that case,” observed the other with much disdain, “why not write against me?” The archdeacon replied that he would. “Do so,” rejoined Luther, “and I will give thee a florin in gold,” which at the same moment he drew from a purse: Carlstadt took the florin, and they two shook hands as a pledge that they would sustain the contest with vigour. The former, filling a glass of beer, drank to the precious work which his disciple was about to compose: the latter returned the compliment. War being thus declared in the manner of the country, the combatants bade adieu to each other. “May I see thee broken on the wheel!” were the last words of the disciple; “Mayst thou break thy neck in this very town!” was the retort of the master. But much as Luther had boasted that a denunciation of his could not fail to be ratified in heaven; that with a word he could kill the most formidable of his opponents—princes, and even emperors; Carlstadt continued to live and defy him, and at last died in his bed—unless, indeed, we believe with some pious Roman catholics, that the devil fetched him bodily away. In reality, Carlstadt was near being a prophet; for he incited the people of Orlemund to receive the professor with stones and mud, nor did the latter escape without difficulty. In revenge, Luther prevailed on the elector

to banish the rebel from Saxony ; but the latter found an asylum with Zwingle in Switzerland.\*

1522 During these transactions, Luther was actively exercising the pen in behalf of the reformation. After  
 1524. his return to Wittemberg from his Patmos, one of his first works was, *Against the Order falsely called the Order of Bishops*. In it he declares that bishops are not of divine authority ; that they are the destroyers of Christian liberty ; that they are ignorant, immoral, and beastly ; that in future he will have no respect for them, nor recognise *their jurisdiction*, since, as being called by Christ to be an evangelist, *his* is superior to it ; that he will not submit his doctrine to men, nor even to angels, but by it he will judge both bishops and angels. Bishops, he observes, are the true ministers of Satan, from whom they receive their mission ; it is the duty of all men to throw off their jurisdiction ; and the man who should sacrifice his reputation, fortune, or life, to subvert the episcopal government, is in truth a child of God. Cathedrals and collegiate churches were, he affirmed, as much the gates of hell as monasteries themselves.—On perusing these and similar passages, with which the writings of Luther are filled, and which are more nearly allied to frenzy than religion, it is impossible to avoid enquiring—How came this man to be a favourite with the divines of the English church ? Can they be acquainted with his writings ? Equally characteristic was his reply to the celebrated treatise of our Henry VIII., in defence of the Seven Sacraments. Never were terms of abuse more lavishly applied : *fool* and *ass*, *blasphemer* and *liar*, even *pig* and *devil*, are among the most common ; and some there are which we shall not transfer even in the original to these pages. His brutality in both works gave much offence to most

\* Authorities :—Seckendorf, *Commentarius Historicus* ; Sleidan, *De Statu Religionis* ; Lutheri Opera ; Melanthonii Epistolæ ; Beausobre, *Histoire de la Réformation* ; Raynaldus, *Annales Ecclesiastici* ; Pallavicini, *Historia Concilii Tridentini* ; Duno, and Mosheim, *Historia Ecclesiastica* ; Magimbourg, *Histoire du Protestantisme* ; Struvius, *Corpus Historiae* ; Guicciardini, *Istoria* ; Spalatinus, *Annales Reformationis* ; Paulus Jovius, *Historia Chrytraeus, Saxonie* ; Loscher, *Acta et Documenta* ; Burmannus, *Adrianus VI* ; Loscher, *Historia Motuum inter Lutheranos et Reformatos* ; Ziegler, *Historia Clementis VII.* ; with many others.

persons, whether secular or ecclesiastical ; and it filled his own disciples with dismay. Hence Melancthon observed, that unless the special providence of God intervened, the good work would be stifled in its birth. Henry complained of the affront to the Saxon princes ; but except from duke George, who detested both the reformer and his efforts, he received only civil excuses. The majority of German princes endeavoured to silence the daring polemic ; but so unbounded was his influence over the populace and the inferior nobles, that open violence was impossible. That influence he greatly extended, by publishing in the vernacular tongue a version of the Scriptures. Before his time, there were no fewer than four versions, or at least editions, in German ; but the style was wretched, the translation ill executed, and worse printed ; and we need not wonder that it was in the hands of few. Luther appears to have commenced his gigantic task during his retreat to his Patmos ; there he pursued it with characteristic ardour ; and on his return to Wittemberg, being assisted by Melancthon and other scholars, he was soon able to finish the New Testament. To Melancthon he was especially indebted. His knowledge of Greek and Hebrew was, as before intimated, very limited ; and without the aid of others he could not possibly have completed the translation. It appeared at the close of 1522, and that of the Old Testament some years afterwards. By protestants, it has been extolled to the skies as a model of fidelity and elegance : by Roman catholics, who admit its elegance, it has been stigmatised as unfaithful, as converted into a vehicle to convey the peculiar opinions of the writer. As we have not examined the merits of the question, we will not be so rash as to offer any opinion on it : but we may observe that, from his imperfect acquaintance with the original tongues, he was not very likely to execute his task to the satisfaction of the critic ; and that, from his limited acquaintance with the fathers, with Hebrew, Greek, and Roman antiquities, he could not be a good anno-

tator. Nor, protestants as we are, do we think that an unlearned reader can attain an accurate knowledge of Christianity from the Scriptures alone. On all hands it is admitted that the Bible is a mysterious book,—by none so readily as by men of the greatest erudition. That from its perusal, the illiterate should be able to decide a question which divided the most learned and able, was preposterous ; but their pride was flattered by the present : they were unexpectedly made to judge popes and bishops, and they rejoiced in their new liberty. Every body purchased the translation ; every body learned to dispute on the most recondite doctrines of Christianity : even women entered the lists with the most learned divines ; contending that all who disputed the fidelity of Luther's translation, were actuated by envy, that he alone had a true understanding of God's word. In a country nearer than Germany, and in times much more recent than those before us, we have all seen the same lamentable infatuation ; where the learned and the studious, with the accumulated wisdom of ages, and whose lives had been passed in the pursuit, feared to speak ; yet where the illiterate mechanic, whose time was wholly occupied with providing for the wants of the day, hesitated not to decide—and that, too, in questions that even the inspired writers approached with awe. The translation of Luther had many opponents, among whom was Emser, a doctor of Leipsic, who professes to indicate above fourteen hundred, inaccuracies in it ; but as his only, or at least chief, guide was the Vulgate, his authority will not have much weight with most biblical critics. To counteract the mischievous tendency of what he regarded as the wilful perversions of Scripture by the Wittemberg professor, he executed a new translation, every way conformable with the Vulgate, the standard of orthodoxy with readers of his own communion. But if Luther's version had possessed no other recommendation than the elegance of its language, it would have maintained its superiority ; but from the boldness of its notes, and from the adapt-

ation of the text to his opinions, it was eagerly sought, while that of his rival was confined to a few of the more zealous papists. Many catholic princes, however, secular no less than ecclesiastical, published edicts forbidding, under severe penalties, the use of the former translation, and ordering it to be every where burnt. It was now the turn of the secular princes to feel the lash of his resentment. In his treatise on the Secular Power, though he does not oppose its existence, he regards it as an encroachment on the natural liberty of man ; as formed only to keep the wicked in order, but a scourge to the Gospellers ; as *in itself* an evil, and therefore an object of odium, however its necessity may be admitted in a vicious state of society. But even while constrained to acknowledge that the institution is indispensable, he does not spare the persons. He declares that, from the beginning of the world, all princes have been not merely tyrannical, but impious, opposed to God and the saints ; and that a pious prince is something miraculous. He concludes with a severe lecture to all rulers, to fulfil the laws of God, and to leave opinions unpunished ; since they had no jurisdiction over these, not even over heresy. In short, we can easily perceive that he had adopted the opinions of Wickliffe concerning civil government \*, though, from his position in regard to the dukes of Saxony, he was compelled to modify his expressions. The hopes which he held out to all, and which to a certain extent were daily realised, of participating in the confiscated property of the dissolved monasteries, prevailed on many others to overlook the wild fanaticism of certain opinions. In fact, he formally proposed to the princes of Germany the immediate destruction of all religious communities, even of all bishoprics and collegiate chapters ; the revenues to remain in their own hands, to be appropriated, if judged expedient, to the foundation of secular principalities. A proposal so iniquitous had never before

\* See Europe during the Middle Ages, vol. iv.

been made to the world ; but it was too well adapted to human nature not to be eagerly received. To colour its detestable character, a suggestion was, indeed, made, that the revenues of the mendicant orders should be applied to the foundation of schools ; but this was merely a delusion, and such it was considered by those to whom it was addressed : they eagerly seized the lands, houses, and revenues ; but scarcely one among them showed any disposition to provide for the diffusion of learning. With this fact before us, can we be surprised at the rapidity with which the reformation was embraced by the princes not only of Germany, but of Northern Europe, — of Denmark and Sweden ? That reformation was, as we have before shown, no less adapted to the people. The country curate, who was unknown beyond the precincts of his village ; the friar, who had hitherto vegetated in the obscurity of his convent, — saw the way to riches ; and celebrity suddenly opened before them. They had only to ascend their pulpits, to display the new light which had lately burst upon them, to declaim against the wealth of the clergy and the tyranny of the popes, and they were immediately followed by crowds of disciples, whose gratitude supplied their wants, and whose approbation secured to them importance in the new church.\* More still were allured by the hope of marriage ; nor was this inducement lost on the nuns, of whom nine, in 1524, returned to their kindred ; and the example was soon followed by others. Most of them, in fact, had no other alternative, after the secularisation of their communities. To the religious, whether male or female, thus expelled, a small pension was at first assigned ; but in a few months, sometimes in a few weeks, it was discontinued, and they were left to the precarious bounty of their relatives, or to the charity of the world. In such circumstances, can we wonder that the men became Lutherans, and that the women married ? †

\* Lingard's England, reign. of Henry VIII.

† Chiefly the same authorities.

The translation of Luther did more harm to his cause than the most active hostility of his enemies. From perusing the Scriptures, many of his partisans began to perceive in them a meaning different from that which he had established as the only true one. Hence the number of sects into which the reformers were soon divided. We have already spoken of Carlstadt, who was the first to oppose the tenet of the real presence defended by his master. But doubts of this prodigious mystery had also agitated the mind of Zwingle, pastor of Zurich : by his own partisans, indeed, he is said to have anticipated even Luther in the career of reformation ; and for this reason, neither he nor they would consent to be called Lütherans. To this honour, however, he has little claim ; for while Luther commenced as early as 1516 to assail the papal power, Zwingle did not appear on the stage of the reformation until 1523 : he might, indeed, have had his private sentiments on certain subjects at an earlier period ; but of their existence we have no satisfactory proof before the Wittemberg professor began to surprise the world. From 1506, when he entered into holy orders, to 1518, when he was called to Zurich, we do not read that he distinguished himself by any opposition to the Roman catholic religion. Like other conscientious men, indeed, he condemned the conduct of the Roman court, and the corruption of the clergy ; but that he had yet his opinions to form respecting controverted subjects, appears from the method of preaching which he adopted immediately after his arrival at Zurich. He announced his resolution to forsake the custom of selecting from the Gospel of the day, the text of his discourse ; and of following the example of the fathers, by explaining whole books in succession ; declaring at the same time that he would have no other guide in his interpretation than Scripture itself. This last circumstance does not speak much for his learning or his judgment. He ought to have known that a book so mysterious as Scripture requires, for its comprehension,

all the aid which can be brought to it ; and that the nearer we approach the apostolic times, the more likely are we to find divines capable of acquainting us with its true import. When reminded of this obvious fact, he alleged the examples of Chrysostom and Augustine, — a reply for which he is praised by his sectarian biographers ; but both he and they forgot to tell us, that these two saints were profoundly versed in ecclesiastical antiquity, and that they lived at a time when divine truth was not so much perverted as in the sixteenth century. He commenced with the Gospel of St. Matthew, — another error of calculation ; for if, as every one knows, the New is based on the Old Testament, common reason would have led him to begin with the foundation. But in his time, as in others which we shall not mention, there existed, if not contempt, certainly much indifference for the older canon of Scripture. The integrity of his life, however, no less than the fervour of his zeal, compensated in a great degree for some erroneous opinions ; while in others he has the praise of having contributed to purge the church from superstition. Whether he entertained any doubt of the real presence prior to his connection with Carlstadt, may, perhaps, be doubted, — unless, indeed, Oecolampadius, who joined him about this time, led him to reject that dogma. What is certain is, that, from the preaching of Luther, both renounced transubstantiation ; and that not satisfied with his half-reform, they denied that the words of our Saviour, *This is my body*, were to be literally understood. On these words, Oecolampadius wrote a treatise of considerable merit, which, though assailed by the Roman catholic divines, effected many conversions. So great was the sensation produced in Zurich by this and other writings, by the zealous preaching of Zwingle, and by the success of Luther, that, in 1523, a religious conference was ordained by the senate of Zurich. Many ecclesiastics of the canton, with deputies from the bishop of Constance, were present, — some through curiosity, some

in the resolution of supporting the reformer, others in the hope of effecting a union between the two parties. That his doctrine might be the more easily understood, he divided it into sixty-seven propositions, which in the main corresponded with those of Luther, differing only in regard to the Lord's supper and some minor points. It did not, however, embrace the whole system of Zwingle, who forbore to commit himself on some subjects, the promulgation of which he left to time ; or, perhaps, he had not yet matured his views in regard to them. He was neither zealously nor ably opposed ; nor, had he been so, would this have availed much with an audience already prejudiced in his favour. We need not, therefore, be surprised that the victory was awarded to him ; and that, by public decree, not only was he encouraged to persevere in his preaching, but it was distinctly intimated that no other doctrine would be tolerated. With this success the reformer was not satisfied. In a subsequent conference, he prevailed on the senate to decree that images and relics should be removed from churches ; that there should be no public processions of the holy sacrament ; that there should be no organs, no bells, no palm-branches, no private confession, no extreme unction. The other Swiss cantons did not approve of these innovations, and by a counter decree endeavoured to arrest their progress ; but though they preserved for a time the appearance of outward uniformity, they could not prevent the spread of opinions, some of which were so flattering to human indulgence, others so consonant with the common reason of men. Still the people of Zurich were dissatisfied : they had removed many superstitious observances, but others remained to reproach them with their luke-warm zeal, or rather with their sacrifice of conscience to expediency. A third conference (1525), consisting almost wholly of reformers, suggested that the mass should be for ever abolished, and the senate immediately passed a decree to that effect. Thus was the reformed religion established in one of the most

important of the cantons ; and it rapidly spread through many of the rest, though it was not for some time the state religion. It first made its way unnoticed ; no sooner were its proselytes increased, than they petitioned for liberty of public worship ; and when this was obtained, they abolished the rival faith. Religious intolerance would seem natural to man ; assuredly it has disgraced Lutherans, Zwinglians, and other sects, as much as the church of Rome itself ; and that, towards not only the Roman catholics, but one another. No sooner did Luther hear of the tenet of Zwingle respecting the Lord's supper, than he denounced the new reformation as the offspring of the devil. Zwingle, he said, was a pagan and a blasphemer, a liar and an ass. But the Swiss preacher denied original sin no less than the real presence ; and for this he was censured by every enlightened theologian, protestant or Roman catholic. As a natural consequence of this belief, he also denied the efficacy of baptism. It could not, he said, remove sin, since Adam's transgression occasioned none : and it could not confer grace ; for where was the need of grace, where, as in infants, sin was not innate ? The truth is, that though he received — as, indeed, he was compelled to receive, unless he renounced his profession as a Christian — the doctrine of Christ's satisfaction, in most other things he regarded the Christian faith as little superior to paganism : nor did he scruple to assert that the pagans had the same chance of heaven as Christians ; that with Abraham, Isaac, and Jacob, were Socrates, Aristides, Scipio, Cato — nay, even Numa, Theseus, and Hercules. Here Luther had the advantage ; as, indeed, he had in many other disputes : but we may doubt whether zeal for the truth, so much as indignation at seeing so large a portion of his spiritual empire escape him, — for the figurative explication of the sacrament by Zwingle and Oecolampadius was soon received by Strasburg, Ulm, Magdeburg, Meiningen, Lindau, Constance, and many other cities, — drew him into the field. Of this fact we

need no other proof than the violence of his language. Though a good logician, and prompt at controversy, he sometimes felt that the very principles he had defended were against him. In his quarrels with the Roman catholics, he had contended that the Scriptures alone were a sure guide to salvation, and that the right of private interpretation was divine: he could not, therefore, refuse to others who assailed his tenets the right of disproving them by the same test. As, in his own opinion, he was infallible, he could only insist that his own interpretation was the true one; that he was taught by the Holy Spirit, which cannot err; and that all who opposed him were very devils. Though he broadly asserted, that during a thousand years nobody had so well understood, or so well explained the Scripture as himself; though he declared that his powers, or at least his favour with Heaven, were miraculous, since a prayer of his would alone suffice to destroy the most puissant sovereigns — his authority was derided. He was called an idolater, because he acknowledged the real presence in the sacrament; and a courtier, because he lived on terms of intimacy with princes.\*

But the sect which most annoyed Luther was that of 1521 the anabaptists, who, though he execrated them, were to his legitimate offspring. A draper of Zwicknau in 1525. Misnia, Nicolas Stork, was one of the most zealous of his partisans. Whether he had much learning, may be much doubted; but that he was not without ingenuity, however perverse, is evident from his reasoning. Assuming the favourite tenet of the reformers, that justification is of faith alone, and that the sacraments have no inherent virtue, he drew from these pre-

\* Maimbourg, *Histoire du Calvinisme*, liv. i. Dupin, *Historia Ecclesiastica*, cent. xvi. lib. ii. cap. 16. Pallavicini, *Hist. Concil. Trid.* lib. ii. cap. 12. Beausobre, *Histoire de la Réformation*, tom. iii. and iv. Sleidan, *De Statu Religionis Com.* lib. 3. Mosheim, *Historia Ecclesiastica*, cent. xvi. sect. 1. Spalatinus, *Annales*, p. 610, &c. Bosuet, *Histoire des Variations*, tom. i. Plouquet, *Dictionnaire des Hérésies*, art. *Carlstadt, Zwingle, Schmidt*, *Histoire des Allemands*, tom. vi. liv. 8. Spalatinus, *Annales Reformationis* (sub annis). Struvius, *Corpus Historiae*, pars x. sect. 4. Loscher, *Historia Motuum inter Lutheranos et Reformatos*, pars i. lib. 2. Hospinianus, *Historia* (sub annis).

mises the inevitable inference that the baptism of infants was useless, since no infant could have the faith necessary for the pardon of sin : hence, the necessity of rebaptising those who were arrived at years of reason, who were able by faith to apply to themselves the merits of Jesus Christ. This reasoning he supported by appealing to Scripture, in proof of his assertion that neither our Saviour nor the apostles ever baptised an infant. Infant-baptism, therefore, was contrary to reason and to Scripture—an invention purely human, and resting on no other authority than that which introduced the abominations of the mass. Again, Luther had asserted that Scripture alone is the rule of faith ; and that this rule must be understood, not by the help of learning or reason, of the fathers and philosophers, but by the aid of God's spirit, which is the only true interpreter, and which all who seek it may assuredly obtain. Hence, as the great doctrines and duties necessary to salvation were only to be learned from the secret communications of that spirit, there was an end to all the pretensions of the learned, to all the exercises of reason, to all the comments of divines ; and the Bible became a book hermetically sealed to human wisdom, and even to human goodness. Thirdly, Luther had denied the peculiar character of the priesthood, which he represented as a purely human institution ; and contended, that every woman, every child, had the power to administer the sacraments and pronounce absolution. The legitimate inference from this doctrine was, that every man, every woman, was authorised to perform the sacerdotal functions , that no previous qualifications were required ; that the Holy Spirit was always at hand to inspire the speaker. Fourthly, If the Gospel made all free, —as the Wittemberg professor had so strenuously asserted in his treatise on Christian liberty,—why the tyranny of magistrates and of laws? The regenerate required no other law than the word of God—no other guide than His spirit, explaining that word If church government was the invention of Satan, civil government was no less

repugnant to the will of God ; for the moment we are united in Him, from that moment we are brethren of Christ, the heirs of a celestial crown, destined to sit on the same throne with him who has redeemed us. To enthrall those whom God had thus made free, whom he had admitted to a constant communion with him, was the blackest impiety. From the same doctrine, and from the example of the apostles, as contained in their Acts, it was evident that, as all things in this world belong to God, so all men, as coheirs of Christ, as in an equal degree the sons of God, have an equal right to these worldly things : hence they ought to be in common, and administered for the common benefit.. Luther had touched on this dangerous subject ; and though his words were cautious, they evidently contributed to diffuse its knowledge among the reformers. It had also been propounded by Wycliffe\*, and, with the other propositions of that rash man, carried into Bohemia.† As error is more fruitful than truth, this doctrine immediately assumed a formidable shape. Regarding Luther as half a reformer, as adhering to the letter which kills, not to the spirit which vivifies, Stork and his disciple Muntzer began to proclaim the approach of a new monarchy, where the faithful, after exterminating all enemies —that is, all who were not anabaptists— should reign conjointly. This doctrine of natural equality, this independence of all laws and all magistrates, this common right to all things created for the use of man, was exceedingly agreeable to the poor, and consequently to the great majority of the people. To the peasantry especially, who were still ground to the earth by feudal exactions and by the tyranny of the noble and the rich, it was so attractive, that the sect prodigiously increased. Neither Stork nor Muntzer omitted any means of adding to its numbers ; twelve apostles and seventy-two disciples were dispatched to rouse the people to a sense of their religious privileges. In Swabia, Thuringia, and Fran-

\* See Europe during the Middle Ages, vol. iv. p. 273.

† See the present work, Vol. II. p. 228.

conia, the new doctrine was generally diffused: all whose imaginations were weak, were easily led to mistake their own fancies for the inspiration of heaven; all who hated the pope, were not averse to see him assailed by a new enemy; all, especially, who felt that their condition in life was wretched, who had groaned under the lash of oppression, looked forward to a speedy emancipation. Of Stork we hear little; when some of his disciples were imprisoned by the duke of Saxony, he hastened with two associates to Wittemberg, apparently with the view of obtaining the support of the duke. Nothing can be more humiliating to the reformation, than the fact that both Carlstadt and Melancthon lent a favourable ear to these madmen: their enthusiasm seemed inspiration—their renunciation of all human knowledge, and their constant communion with heaven, to be clearly seraphic. In a letter to the duke, Melancthon acknowledged that he was much impressed with the astonishing revelations of the three prophets; that he saw reason not to despise them; that there was a possibility, however, of Satanic illusion; and that he wanted the presence of Luther, then absent, to judge of the credit due to them. The elector, who had a portion of common sense denied to some of the evangelical ministers, condemned the new doctrines, and forbade them to be preached; and Luther, from his retirement, equally denounced them. On this subject Martin reasoned well. To prove, he observed, the spirit of a ministry extraordinary and miraculous, demanded miraculous gifts; that, as it could not be intelligible without an especial revelation, it should be regarded as an illusion of the devil. But he forgot that most of the principles in the new sect were legitimate deductions from his own; and as he could never bear a rival, he was indignant that his authority as a reformer should either be disputed or divided. This jealousy, more than any other cause, hastened his return to Wittemberg.\* With two of the anabaptist chiefs,

\* See page 54. of the present volume.

Cellarius and Stubner, he was persuaded to have an interview in the presence of Melancthon. Having listened with more patience than he generally showed, to the grounds on which they pretended to base their belief, he quietly exhorted them to renounce it, as vain in itself, and supported by no scriptural warrant. One of the chiefs instantly called him a blasphemer, for thus treating as fools the chosen vessels of God. The other, who had more command of temper, replied, that he could prove the reality of his revelations by a miracle; that he could read the very thoughts of Luther, who was at this moment beginning to favour the new doctrine. The latter, however, declared, that what was then passing in his mind was very different from his alleged inclination to the anabaptist creed,—that it was, “God confound thee, Satan.” He now expelled them from the house and the city amidst their hearty curses. From Kenberg, they repeated the maledictions in a letter to the reformer, and then dispersed on their apostolic mission. Of Stork we hear no more than that he was reported to have died in a monastery of Bavaria,—a presumption that he returned to sounder thoughts. Of Stubner we are equally uninformed; but probably he continued, with his usual activity, to urge the peasants into rebellion, and perished with them. Cellarius is believed to have recanted; but Muntzer remained as incorrigible as before. In 1523, he was again driven from Alstadt in Thuringia; but leaving many of his disciples to continue the work, he proceeded to Switzerland, where he had great success; but the firmness of the magistracy, aided by the influence of Zwingle, prevented an open insurrection. Yet it was sufficient for his purpose, that he and his disciples, who were spread in most parts of Germany, were successfully preparing the minds of the people for a general revolt. At Nuremberg, the populace expressed their determination to rise; but as he was persuaded or forced by the magistrates to leave the place, this calamity was for the present averted. He now fixed his quarters at Mulhausen,

where the magistrates endeavoured to silence him ; but his influence was such that he procured their deposition, and the election of others devoted to his will, of whom he was at first a member, and soon the acknowledged head. To see this draper one day preside in the court of justice, and decide the cases brought before him, not by any code of law, but by his own caprice, or, as he chose to call it, by special revelation ; and another day preaching to the assembled inhabitants, and deluding them with the prospect of a new monarchy, which should consist only of the righteous ; was as novel as it was extraordinary. As a civil governor, he was implicitly obeyed : in fact, he ruled with a despotism unknown since the days of the Jewish kings, whom he endeavoured to imitate. As a preacher, he declaimed furiously against Luther, whom he stigmatised as a debauchee, as a false prophet, as possessed by a demon, as foretold by the prophet Daniel under the figures of a serpent, dragon, lion ; in short, there was no term of reproach which he did not heap on “ this impudent, lying, monk.” In revenge, Luther called on the German princes, the reformed no less than the Roman catholic, to exterminate this daring impostor and his accomplices. It was, indeed, time to stem the torrent. As well to show his dislike to the Roman church, as to satisfy his avarice, Muntzer caused the churches and monasteries to be plundered, the inmates to be driven into the world, and the buildings to be set on fire. By his letters, he invited the peasantry of Swabia, Franconia, Thuringia, Saxony, and other provinces, to rise as one man, and for ever destroy the yoke, both temporal and spiritual, under which they had so long groaned. Of the manner in which he invited the poor to rebellion, we have some specimens. In his letter to the miners of Mansfeld, he asks how long they intended to resist the Lord by their culpable inactivity ; he exhorted them to arise, to put their whole confidence in God, to arm in defence of their rights, to receive with gratitude the expression of the divine will, of which he was the

favoured medium. France, Italy, and England were, he said, in arms ; so also were 300,000 peasants in Upper Germany ; whose number increased daily. The object of this mendacity needs no comment : and to inspire the poor dupes with still greater courage, he assured them that every one of them, if bold and confident in God, would be sufficient to withstand 100,000 of the enemy ; that all Europe trembled before them. Above all, he cautioned them not to make peace, for the victory would certainly be theirs. And they were to show no mercy to the vanquished ; to steel their hearts against prayers and tears ; for to them, as he had distinctly learned by revelation, was confided a mission similar to that of the Israelites against the Canaanites : to exterminate was their first duty. In other letters, and in his frequent discourses to the admiring multitudes, he expatiated with considerable eloquence on the miseries they now endured, on the fulfilment of the promises which were made to them, on the happiness of the glorious kingdom which was at hand. From that moment he exhorted them to refuse their accustomed tributes to the state, their rents to the land-owners, their dues to the church ; he urged them to destroy every human dignity, to bring their substance to one common heap, and leave to him the administration.—Can we be surprised that such exhortations had their effect ; that in several provinces the peasantry flew to arms, and under their fanatical leaders, the apostles of Muntzer, commenced a terrific career of spoliation, bloodshed, and ruin ? The first who openly threw off the yoke were the inhabitants of Lupfen in Swabia ; and the example spread with so much rapidity, that 120,000 were immediately under arms in the neighbouring provinces. Had the discipline of these enthusiasts borne any proportion to their numerical strength, both catholics and Lutherans might have trembled for their altars, and every gentleman for his estate ; but they were hasty, undisciplined levies, and not all actuated by the same motives. While a considerable number

were influenced by religious fanaticism alone, a greater, though sufficiently impressed with the same feeling, were driven chiefly by oppression to this desperate course : in some the first, in others, the second, motive predominated ; but both entered more or less into the minds of the insurgents. Fortunately for Germany, and we may add for Europe, — since, had this rebellion succeeded, Wat Tylers enough would have speedily risen in other countries — the insurgents had no common will. In some districts, a redress of their more oppressive grievances was guaranteed, and they laid down their arms, without consulting their brethren or their prophetic chief. In others, if *all* their demands were not conceded, the more important were. We have twelve demands made by the Swabian peasants, who appear to have been by far the most moderate of the insurgents ; but it must be remembered that they were drawn up when the Swabian league was collecting its forces, and when the princes of the empire were beginning to combine for their common defence. This fact will sufficiently account for the moderation of these articles, as compared with the instructions of the anabaptist apostles, and with the actual tenets of the sect.—That the people should have the choice of their own ministers, who should teach justification by faith alone, without any admixture of human opinions, and whom they should at any time be able to depose or dismiss ; that tithes should cease, or if continued to be paid, they should be of corn alone, and divided into three equal portions,—one for the minister, one for the poor, one for the sustentation of the churches ; that they should no longer be feudally dependent on the lords of the soil ; that suit and service, heriots and fines, should be abolished ; that the people should have the power of deposing their judges ; that the woods and rivers should be open for the use of all men ; that the meadows belonging to the lords should revert to common pasture ;—such were the chief demands of the Swabian peasants. That not more than two or three of them could be granted with safety to the rights of pro-

perty, is evident ; but they were loudly condemned, as too favourable, by the great majority of the insurgents. In the Ringau, for instance, we find a list of demands, the concession of which would have been totally inconsistent with the existence of all government, all order, all society. On every side the peasantry, continually augmented by new accessions, prosecuted their dreadful career ; every where churches were plundered, monasteries destroyed, the seats of the nobility and gentry ruined ; and all ecclesiastics and magistrates put to death. But the princes, catholic and protestant, hastened to extinguish a flame which must, unchecked, consume both them and their country. Having vainly besought the peasants to lay down their arms, and the princes to redress the grievances of the poor, Luther exhorted the latter to exterminate, without mercy, all who did not voluntarily and instantly surrender. The advice appears to have been scrupulously followed ; for in a few weeks 50,000 of the misguided creatures were massacred. Little resistance could such tumultuous forces oppose to the warlike and highly disciplined chivalry of Germany ; and a single hour generally witnessed their assault, defeat, and carnage. On one occasion, the nobles were evidently unwilling to shed blood ; proposals of pardon and of redress of grievances were made, if the people would lay down their arms. Thus, the count of Mansfeld and his allies offered to the insurgents of Frankhausen a complete oblivion, if they would deliver up their ringleaders, among whom were Muntzer himself and his confidant Pfeiffer, an apostate monk. Such, however, was the influence of the leader, that he persuaded the poor fanatics to resist the proposal. In his harangue to the people, he dwelt on the wickedness of the tyrants assembled against them, and assured them that heaven would fight for them ; that its succour would be visible to every eye ; that this succour had been promised by God himself, not only in the Scriptures, but by special revelation ; and if this promise were not fulfilled, who hereafter would confide in the

divine truth? God would no longer suffer the tyranny of the nobles, or the impiety of the priests. "Let us imitate the cruelty of Phineas, in regard to the adultery of Koski: God will assist those who undertake to punish these adulterous priests. Let us advance, and sacrifice to God this host of worthless wretches. I promise you the victory from Him who cannot lie or be deceived, and who has confided to me the duty of exterminating princes. Let not their number affright you;—what is the use of the divine power, unless a handful defeat a multitude? Do you remember what God effected by Gideon, by Jonathan, and by David? This very day will see the example renewed, and will be famous to the most distant posterity. What if we are only half armed, and furnished with few things necessary for war? believe me, that we shall still conquer, and that the sun which now enlightens us will fade away sooner than we shall be deprived of God's aid. Did not the sea open a passage for the Israelites? Fear not; assail the enemy; and be assured that I shall receive the harmless balls in the sleeves of my tunic." The accidental appearance of the rainbow, which the speaker hailed as a sure prognostic of victory, also seemed to raise the spirits of the dupes, who would hear of no peace, and demanded the battle. To incense the confederate princes beyond the hope of pardon, he wrote them an insulting letter, in which he applied to them the denunciations of Daniel and Ezekiel, and told them that their last hour, and the last hour of all who believed either the idolatry of popery or the corrupted doctrine of Luther, was infallibly at hand: in the same view, he condemned the herald who had been sent with the offer of mercy. The action commenced; the foremost ranks of the rebels were soon levelled with the ground, as easily as a flock of sheep, and the rest fled in consternation; but 5000 were stretched on the field, and some prisoners were taken: among them was the great impator, who, in the baseness of his fear, had hid himself in a neighbouring house. When accidentally

discovered by a valet belonging to the victorious army, he pretended that he knew nothing of the rebellion, that he had for some time been confined by a fever; and even when papers were found on his person which proved his identity, he stoutly asserted that he was not Muntzer. But when brought before the princes and recognised, he defended his conduct in urging the people to rebellion, and sustained both torture and death with considerable courage. It has been a problem with many writers, whether he was knave or fanatic; but there can be no doubt that the elements of both entered largely into his moral constitution. Thus ended this extraordinary insurrection, from the guilt of which protestant writers have been at great pains to exculpate Luther. It is, however, certain that his works had this tendency, and that they were quoted to this effect by the dupes themselves. Whatever the good intentions of the three greatest European reformers, Wycliffe, Huss, and Luther, reason tells us that some of their opinions must of necessity produce mischief, and history confirms the justice of the reasoning. One protestant writer, though not much distinguished for candour, has the honesty to own the connection of the reformer's writings with the insurrection:—" Il faut convenir, aussi, que les écrits de Luther y avaient contribué; car comme ils étaient extrêmement injurieux aux évêques et au clergé, et qu'ils condamnaient, dans les termes les plus forts, les princes qui s'opposaient à la réformation, ils enflammèrent la haine des peuples contre leurs souverains ecclésiastiques et séculiers."\*

\* Crinitus, *De Bello Rusticano*, p. 1, &c. Hubertus Thomas, *Historia Belli Rust.* p. 13, &c. Crusius, *Annales Suevici*, lib. x. Chrytræus, *Saxonia*, lib. xi. Guodalius, *Rusticanorum Tumultuum Historia*, lib. i. &c. Gudenus, *Historia Erfurtensis*, lib. iii. Struvius, *Corpus Historiae*, pars x. sect. iv. § 25, 26. Pallavicini, *Hist. Concilii Trid.* lib. ii. cap. 12. Spalatinus, *Annales (sub annis)*; necnon *Vitæ aliquot Electorum Saxoniæ*, p. 11, 12, &c. Dupin, *Historia Ecclesiastica*, cent. xvi. lib. 2. cap. 18. Raynaldus, *Annales Ecclesiastica*, an. 1525. Sleidan, *De Statu Religionis Com.* lib. iv. and v. Plouquet, *Dictionnaire des Hérésies*, art. *Anabaptistes*. Malmoufg, *Histoire du Luthéranisme*, liv. ii. p. 100, &c. Beauzobre, *Histoire de la Réformation*, tom. iii. liv. 5. Widemann, *Chronicon Curiae*, p. 744. (apud Menckenium, *Scriptores*, tom. iii.). Schmidt, *Histoire des Allemands*, tom. vi. liv. 8. chap. 11. p. 362, &c. Anon., *Histoire des Anabaptistes*, p. 16, &c.; cum alia.

1525 But if the anabaptists were thus humbled, their minds were left in a ferment, which could not fail to produce new disturbances. That after their recent discomfiture, after proving the fallacy of the promises which a daring impostor had made them, they should again surrender their judgments to the most palpable fraud, might surprise us, had we not, in our times, instances no less melancholy of human credulity. After Muntzer's death, a considerable number resorted to Zurich, in the hope that the Zwinglians would prove more favourable than the Lutherans. At their head was one Balthasar, a native of Hesse, and a doctor in theology. In the view of hurling Zwingle from the spiritual government of the canton, he challenged that chief to a controversy ; but in it he was vanquished, and compelled to promise that he would retract. Promises, however, were but words, which might easily be revoked ; and he again offended the magistrates of Zurich, by repeating, in presence of the inhabitants, his obnoxious tenets. He soon found that, from reformers, as little hope of toleration was to be expected as from the veriest papists : he was conducted to prison for presuming to dispute against the established faith ; but a second retraction, and an engagement not to revisit the canton, procured his enlargement. From Zurich he repaired to Constance, where he boasted of having utterly confounded both Zwingle and the magistrates, on whom he opened the vials of his wrath, especially when he heard that the disciples he had left behind were also banished from the republic. He had, however, the consolation of learning that this event served to diffuse the true doctrine ; for the exiles traversed Switzerland and Germany, and, like him, scattered the seeds of evil wherever they came. Being banished from Constance, he repaired to Moravia, where he could not fail to be successful over the minds of the Hussites ; but at Vienna he was arrested, tried, and executed. The same doom befel many of his partisans in the reformed no less than the catholic states ; in

fact, by the former they were pursued with greater ferocity. It was, indeed, the duty of both, as Luther advised, to suppress them. Had they been satisfied with the promulgation of religious opinions purely speculative, no magistrate would have had a right to interfere with them : but by teaching that all government was tyranny ; that princes and magistrates should be deposed, and all codes committed to the flames ; that as all men are by nature equal, so all have an equal right to the good things of the world ; that man needs no other guide than the spirit of God within him ; they rendered themselves obnoxious to just chastisement. A madhouse would have been the fittest punishment ; but where could one be found to contain so many thousands ? The same objection applied to prisons ; so that banishment or extermination was the only doom that could be inflicted on men who would have derided lighter penalties. Great numbers repaired into the Low Countries, especially Holland, where for some years they edified the Roman catholics by their burnings. Yet persecution seemed for a while to increase their numbers, no less than their wild fanaticism. Some, in the full persuasion that Jesus Christ was coming to found a kingdom of righteousness, ascended the loftiest buildings and trees, that, like Zaccheus of old, they might have the first glance of him. Of the few who could write — for, as may easily be conceived, they were the dregs of the people, — some published a description of the new monarchy ; nor did they hesitate to assert that it was their duty to exterminate all who refused to be rebaptised, and enter their communion. And they improved on the dangerous doctrines we have already exposed, by teaching that every man might have as many wives as he pleased ; nay, that where there was no matrimonial bond, it was the duty of every woman to gratify the desires of the faithful. This monstrous proposition was a natural inference from the doctrine of Wycliffe, of Huss, and of Munt-

zer.\* As all worldly things were to be had in common, why should wives, or women be excluded? She, it was contended, who refused her consent to the meanest of the faithful, forfeited her Christian privileges, and incurred as much guilt as by the most opprobrious action. To console the sex for the infliction of an obligation so revolting to her natural delicacy; to destroy every trace of that delicacy, and render woman the willing instrument of man's vilest propensities — she was taught to believe that chastity was any thing rather than a virtue; and she was encouraged, nay commanded, to exact from the other sex the fulfilment of the same abominable condition. Nay, with a refinement of vice of which there is no parallel in all history, many of the sect contended, that, as in Jesus Christ there was no distinction of persons, as all were brethren, and as the relations of the flesh were abrogated by the new affinity, so all, however kindred in Adam, might in Jesus Christ use the liberty vouchsafed to the saints. On this subject we cannot, for obvious reasons, dilate. Suffice it to state, that the practice corresponded with the theory, and that the meetings of these saints were any thing but spiritual. Not that we would include all in the same censure; among them, as among some other sects, there were grades of evil. Some there certainly were, — we hope many, — who were chargeable with fanaticism alone, who refused to admit sensuality as a Christian indulgence. Some even there were, who opposed the fundamental principle of the sect, — the natural equality of mankind; but yet they refused obedience to any other magistrates than those elected by themselves — magistrates whom they invested with a jurisdiction at once civil and ecclesiastical, who decided secular disputes by the Scriptures, and preached as well as judged. It is the nature of error perpetually to diverge from any given point, until the original

\* We may add, and from that of the Albigenses, from whom Wycliffe certainly derived some of his opinions, especially this doctrine of a community of goods. See Europe during the Middle Ages, vol. ii. and vol. iv.

centre of union is lost to the view ; until any point of divergence becomes itself the centre of other eccentricities. But under any modification, the leading principles of the sect were discernible ; and in the great majority, the worst lay open in their naked deformity. The prevalence of adultery, fornication, and incest, which in their vocabulary signified spiritual marriage ; and the frequent instances of sacrilege in regard to the catholic churches and monasteries, — for the madmen believed that they were at liberty to treat the impious idolaters around them just as the departing Israelites treated the Egyptians—roused the local authorities, especially those of Amsterdam, where these pests were at first most numerous. Some were beheaded, some burnt, the less criminal imprisoned or banished, but many fled into Westphalia, where Muntzer had left many followers. Still many remained at Amsterdam, and among them John Matthias, a baker of Haarlem, who assumed the direction of the sect. To hasten the approach of that kingdom for which all hourly prayed, Matthias despatched twelve missionaries, whom he called his twelve apostles, to disseminate the new doctrine. Two of them repaired to Munster in Westphalia, which, as early as 1533, was beginning to be regarded as the future strong-hold of the sect, as the capital of the divine kingdom about to be established. The superior interest attached to this place compels us to leave the wild fanatics of the Low Countries.\*

John Beccold, a tailor of Leyden, was one of the 1533, two apostles whom Matthias sent to Munster. They 1534. joined the other chiefs of the anabaptists, who, being yet too weak to resist the civil power, and that of the bishop, its feudal head, were compelled to act with caution. The place, indeed, contained as many Lutherans as catholics ; but the former, as they well knew, were their most bitter enemies. Their first object was

\* The same authorities, especially the last quoted, with the addition of Hermannus à Kerssenbroch, *Narratio de Obsidione Monasteriensis*, cap. 6. See also Bayle, *Dictionnaire Historique*, art. *Anabaptistes*.

to multiply the number of their partisans by their secret assemblies, and then to wrest full toleration from the municipal council ; when security was attained, then might aggrandisement be consulted. At the close of the same year the prophet himself joined them. One night all the anabaptists of\* the city were assembled, and Matthias, blowing on them, told them to receive the Holy Ghost.\* In a few weeks, their number being considerably augmented, they expelled the Lutherans from the churches belonging to that sect, and began to preach with vehemence. But most of their conversions were effected in private houses, or even in the streets. Nothing was more frequent than to see a band of fanatics run, half naked, along the streets, exclaiming, *Repent, and be rebaptised ! the day of the Lord is at hand !* and their howls had a wonderful effect on the populace, who followed them to their houses, and caught, as the populace always will, the infectious mania. Sometimes the exhortation to repent was accompanied by furious denunciations against the Lutheran and Roman clergy, of whom many, in fear, retired from the city. One day, the fanatics, seeing the rapidity with which their numbers increased, hastened to the municipal hall, expelled the authorities, and exclaimed, that all who refused to be rebaptised should be put to death,— for such was the command of the Lord as revealed to His saints. In this critical situation, many of the inhabitants intrenched themselves in a strong position, and were soon assailed. At the end of three days, however, a body of peasantry arriving to the succour of the magistrates, a treaty was made, by which all were thenceforward to profess whatever religion they pleased without molestation ; that

\* Ubi vero haec verba recitasset, Crescite et multiplicamini et replete terram, cereos ardentes extinguit. Quae tunc per noctem istam flagitia promiscue sine verecundia et pudore sint commissa, propheta in sinu puellar satis inverecunde deprehensus declaravit. Hanc rem igneum baptisma appellabant. — Hermannus à Rosenbroch, cap. 15. The author adds, that he had his information from an eye-witness.

Many such passages as this we could adduce, in support of the character we have given of this wretched sect ; but we will not hurt the eye of modesty.

all should lay aside their arms, and in civil matters yield obedience to the secular power. But nothing was further from the intention of the anabaptists than to observe it. In a secret council, held that very evening, they resolved to invite their brethren of the other towns in Westphalia to join them in Munster, but so cautiously as not to raise alarm among the citizens. In the letters containing the invitation, they asserted that a prophet had just arrived at Munster, who was filled with the Holy Ghost, and who displayed miraculous gifts ; that the good cause needed the assistance of the brethren ; that it was the duty of every believer to forsake wife or child to labour at the establishment of Christ's new kingdom ; and that in Munster they would find in abundance the things necessary to life. The call was eagerly obeyed ; and the augmented boldness of the fanatics quickly evinced their augmented power. The chiefs now resumed their frantic careering through the streets, vociferating *Repent ! repent !* In alarm, the chief magistrate retired from the city with the municipal archives ; and his example was instantly followed by the clergy, both Roman catholic and protestant, and by many of the respectable burgesses. Those who remained, endeavoured to oppose the madmen ; but being vanquished, they, too, were compelled to retire. A few Lutheran preachers, however, with a portion of their flocks, persisted in braving the storm,— partly from natural attachment to their homes and families, partly from fear of the bishop, who treated Lutherans and anabaptists in the same manner. But they had reason to repent ; for no sooner had the fanatics plundered the churches, created new magistrates,— the lowest and most flagitious of the people,— and burnt all the books, the Bible excepted, on which they could lay their hands, than Matthias declared the divine will to be, that all who had not embraced the true faith should be put to death. The doom, however, was commuted to expulsion, but they were not allowed to take away any portion of their property ; and by the

bishop's troops many of them were massacred ; the rest were driven back.—Munster was now cursed with the reign of the saints,—the most despotic men that ever usurped a government. Instead of adhering to recognised law, all, in accordance with a fundamental tenet of the sect, admitted no other rule in their decisions than internal revelation. Of these Matthias\* was the grand prophet, and Beccold his lieutenant ; both active enough in preparing for the assaults of the bishop, who, with his allies, was at no great distance from the city. They fortified the gates and ramparts ; inured the men to something like discipline ; and punished with death every act of disobedience to their commands. Matthias could not even forgive a railing expression. An old inhabitant having one day observed, as he passed along the streets, “ There goes a pretty prophet ! ” the faithful were immediately assembled in the churchyard of St. Lambert, and the man was bound with fetters, and brought before them. “ Behold the wretch,” said Matthias, “ who has dared to blaspheme the prophets of the Lord. He must be punished, that others may be deterred from similar impiety.” The poor citizen was immediately tied to a post, his skull was fractured by the hand of the prophet, and sentence of death was publicly denounced against any one who should hereafter presume to utter one word of disrespect in regard to the apostles of God.—In compliance with another principle of the sect, proclamation was made that every thing should henceforth be common, that every individual should bring his gold and silver, his money or plate, to the public treasury to be employed for the common defence. To see the poorest and lowest of the people domiciled in the mansions of nobles and princes, or in the vast dwellings of the retired ecclesiastics, was novel, and the sight tended not a little to encourage them in the persuasion that their cause was favoured by Heaven. Unfortunately for them, the provisions were few, though their toil was great. As the assaults of the enemy were hourly expected, “ the public ministry

of the word" was held in the great thoroughfares, not far from some one of the gates ; and the moment this duty was discharged, the audience hastened to their posts, which they were forbidden to leave day or night, except at certain periods, when they were allowed to pass half a day with their families. In the mean time the bishop and his allies, in three bodies, advanced against the walls, and an assault was given. It was, however, repulsed with considerable loss ; and in a sortie, which the prophet had the courage to head, a few hundreds more of the besiegers were left in the field, and much booty obtained. Who now could doubt that Matthias was a prophet indeed — that he was destined, as he himself had so long asserted, to exterminate the enemies of the Lord ? But this confidence was of short continuance ; for in a second sortie, when followed by only fifty men, both he and they were cut off. Great was the consternation of the besieged, especially, when they remembered that the deceased prophet had, on leaving the place, predicted a triumphant return. To raise their spirits, Beccold assembled and harangued them. No tears, he observed, could be too great for the loss of such a man, who, like Maccabæus of old, had valiantly fought the battles of the Lord. It might, indeed, have been expected that the prophet should foresee the catastrophe which awaited him ; but it should be remembered that the Holy Ghost does not communicate every gift to the same person. " For my part, I knew, long before the event, what was to happen ; but I was not permitted to mention the revelation, — for such was the pleasure of Him who sends good and evil to all men." What could be more evident than that Beccold was designed by Heaven to fill the place of the departed Elijah, whose mantle he had received ? In a moment all despair was banished, and this new Elisha was recognised as the prophet of God. He had more ambition than his predecessor, and, indeed, greater talents for the post. His first care was to forbid any sorties which should not be countenanced by

himself and the council ; his next, to melt the church bells into cannon, and with them to open new batteries from the steeples and towers. But his chief object was to procure the confidence of the people, by a great appearance of sanctity, by frequent communication with Heaven, by a winning behaviour towards all, and by the boldness of his predictions. One night in May, and in the third month of the siege, under the pretext of visiting the centinels, he mounted the ramparts, where stripping himself naked, he descended into the city, and ran along the streets, exclaiming in a loud voice, *The king of Sion is coming ! The king of Sion is coming !* And when he had made the tour of the place, he resumed his garments, and returned to his own house. Great was the surprise of the citizens, who, on the following morning, repaired to the prophet to learn what new thing the Lord had revealed. Instead of replying, Beccold wrote that his tongue was tied during three days. What could be the meaning of this prodigy ? One thing was clear,— that he was in the same situation as Zacharias in the Gospel, and that signs and wonders were renewed for the sake of the faithful. During the three days the prophet was inaccessible : on their expiration, he suffered himself to be seen by the people, and declared that he had received a revelation to the effect that the new Israel was no longer to be governed by a council, but by twelve judges. Nobody distrusted the impostor, and he was at once permitted to name the twelve favoured individuals, who of course were his own creatures. Pretending to invest them with sovereign authority, with the power of deciding in the last resort every dispute, civil, criminal, or ecclesiastical, he arbitrarily directed their proceedings, and took care that sentence of death should be pronounced on all who were hostile to his views. His moral conduct was not better than that of his predecessor. One night, as he left his bed for that of a female acquaintance, who appears to have slept in a contiguous apartment, he was perceived by a soldier.

Aware of the circumstance, the following morning he offered the man a piece of money to keep the secret ; but reflecting that it would be unsafe in such a breast, he convoked the people, and asked whether, by the law of God, a man might not have a plurality of wives ? The ministers replied that any one might ; but the saying displeased one man, more honest and enlightened than the rest, who, in a discourse of some length, proved that it was contrary to Scripture. The rash speaker was instantly seized and beheaded, for presuming to contradict the prophet of God. This cruelty so incensed a portion of the people,—for all, as we have before observed, were not equally abandoned,—that they resolved to surrender the city. Doubtless there were other reasons,—the tyranny of Beccold, the insolence of the twelve judges, the scarcity of provisions, and, above all, the dread of the punishment which awaited the whole population when the place should fall, as it inevitably must fall, into the hands of the bishop. But the conspiracy was discovered, and the fifty implicated in it were condemned and executed, under circumstances of such atrocity as to rouse the hatred of the few who had any portion of natural feeling remaining. The terrible example, however, caused them to smother the sentiment ; and the reign of the tyrant was continued. In fact, that tyranny was augmented. He was soon dissatisfied with even the shadow of restraint ; and, mad as the design might appear, he aspired to a crown. One day, in presence of the people, he had the modesty to exclaim, “ Hear, O judges, the voice of the Lord ! As formerly I established Saul over Israel, and after him David, though only a shepherd, even so I establish John Beccold, my prophet, to be king in Sion ! ” But the artifice was too gross even for the anabaptists of Munster ; the judges refused to obey, under the pretext that an order so important could not be carried into execution until it had been proved to come indeed from heaven. The impostor protested that the dignity was not of his seeking,

that he would rather be a hewer of wood or drawer of water, than a ruler over his brethren ; but that the spirit of God had spoken, and he could not disobey. The judges then observed, that the people only, in full assembly, had the right to choose a king. It was accordingly resolved to convoke them ; but before the meeting, the prophet arranged the details of the farce with a worker in metals, whom he bound to his interests ; yet the artifice was as gross. “ I behold a prophet ! ” cried Beccold, “ in the midst of the judges,” —fixing his eyes on the mechanic. Perceiving that their looks were on him, and advancing with considerable solemnity, the mechanic commanded the judges to assemble the people in the market-place ; and when all were congregated, he cried aloud : —“ Listen, O Israel, to what the Lord thy God commandeth thee ! You will depose from their offices the judges, the bishop, and the ministers, whom in obedience to my will you placed over this city, and you will choose others in their stead. You will select twelve ignorant and illiterate men to announce my word to the people, — men who, being guided only by my spirit, will explain it purely and without human succour, and for this end I will give them the spirit of understanding and wisdom.” Then turning to Beccold, and presenting him with a drawn sword, “ Receive this sword which the Father giveth thee ! By it he maketh thee king to govern not only in Sion, but the whole earth, and by it thou shalt extend thy dominion until it embrace the east and the west ! ” He concluded his harangue, by exhorting the people not to resist the divine injunction, since the prosperity of the new state was inseparably connected with the elevation of Beccold ; and by reminding the designated ruler that, as God had thus called him to the government of Sion, he was bound to discharge his office so as to draw on him and his subjects the blessing of heaven. Elated by so novel a prospect, the fickle multitude, whose fundamental tenet was the rejection of all princes, hailed Beccold as king in Sion ; and his

coronation was instantly performed in the churchyard of St. Lambert, June 24th, 1534.\*

Beccold must have been aware that his reign would be short ; but he was resolved it should at least be a merry one. His first care was to nominate the great officers of his household, and to array them in apparel rather glittering than magnificent. Every thing that was valuable in the public treasury or city was brought to his palace ; he often appeared in public with thirty horse ; and his thrones of which there was one in his own palace, the other in the market-place, were costly erections. On the latter he gave audience three times a week ; and decided the cases which were brought before him, without any regard to law or reason, but by his fancy, or, as he pretended, by the light of inward revelation. He promulgated, indeed, a few laws which might furnish matter for reflection.—1. Thus, though the right of private interpretation in regard to the Scriptures is the fundamental tenet of the reformation, it was strictly prohibited, and under no less a penalty than that of death, in this new Jerusalem : to assign to any passage a sense other than that of the saints, was downright impiety, — in fact, treason against Heaven. 2. “ If a prophet arise in Israel, and predict any thing diverse from the word of God, he shall be separated from the people, and slain by them, that all may abominate his wickedness.” This sanguinary enactment has no equal in the worst times of persecution. 3. The

\* Anon. *Histoire des Anabaptistes*, liv. 2. Hermannus à Kerssenbroch, *Historia de Obsidione Monasteriensis*, cap. 8—23. Plouquet, *Dictionnaire des Hérésies*, art. Anabaptistes. Bayle, *Dictionnaire Historique*, art. *Beccold*. Sleidan, *De Statu Religionis Com.* lib. 10. Lambertus Hortensius, *Tumultus Anabaptistarum*; necnon *Corvinus*, *Libellum de Monasteriensis Anabaptistorum Excidia* (apud Schardium, *Scriptores Rerum Germanicarum*, tom. ii.). Schmidt, *Histoire des Allemands*, tom. vi. liv. 8. chap. 20. Dupin, *Historia Ecclesiastica*, cent. xvi. lib. 2. cap. 28. Raynaldus, *Anales Ecclesiastici*, A. D. 1534. Struvius, *Corpus Historiae*, pars x. sect. 4. Spalatinus, *Vitæ aliquot Electorum*; necnon *Annales* (sub annis). Dorpius, *Historia quomodo Evangelium Monasterii cooperit*, passim. Chyträus, *Saxonia*, lib. xii.—xv. Gessarius, *Annales Augustobergenenses*, p. 1800 &c. Heuterus, *Historia*, lib. x. xi. Mosheim, *Historia Ecclesiastica*, cent. xvi. Hamelmannus, *Historia Reacti Evangelii*, pars ii. Prinz, *Specimen Historiæ Anabaptist.* cap. 10, &c. Heresbach, *De Factione Monasterien-sium*, passim.

man who was absent three days from his family or camp, without the knowledge of his wife or general, lost all claim to his wife: she was enjoined to take another husband. But, though these and similar laws were to be observed by the people, Beccold was superior to them: under the pretext of revelation, he could observe or abrogate them at his pleasure. Great was the pomp with which he advanced to his throne of judgment on the appointed days. Surrounded by his councillors clad in purple and gold, amidst the sound of trumpets, with the ensigns of dignity borne before him, with a golden crown on his head and a sceptre in his hand, and often followed by his favourite women, he endeavoured to forget, and was still more anxious that others should forget, the tailor in the king. On taking his seat, after the usual flourishes of music, all who had complaints to make before "the righteous king," were exhorted to approach. "*Ibi (bone Deus!) causæ turpissimæ et castis auribus indignissimæ, turpissimo judici decidendæ offeruntur, de incesto, de fornicatione, de adulterio, de impotentia conjugali, de conjugum divortio, de matrimonii distractione, de reliquis rebus fœdissimis. Maxima autem controversia fuit inter coniuges de negato sibi utrumque debito conjugali querentes, quæ inobedientia extremo suppicio plectebatur.*" Of his judgments we have some instances. Incensed that her husband paid more attention to a younger wife than herself, one of the godly women in Israel threatened to knock out his brains unless he dismissed the rival. This was a dangerous example, and, by the royal order, the lady was immediately beheaded. One woman was put to death because she was adorned with ornaments too expensive for the faithful, who should have nothing in common; another, because she concealed some money, contrary to the royal edict; a third, because she refused the debitum conjugale. Not merely in splendour and in despotic power did Beccold endeavour to imitate the Jewish kings,—the only sovereigns of whom he had ever read,—he resolved there should be another point

of resemblance in the number of his wives. When recognised as judge over Israel, he had only one, the widow of Matthias, who had the honours of queen ; but, by degrees, he augmented the number to seventeen, and declared his intention of raising it to an hundred, — an intention which would certainly have been carried into execution, had not his career of iniquity been cut short. Besides them, he had a considerable number of concubines ; nor was he inattentive to his royal privilege of selecting for the occasion the wives or daughters of his subjects. He had, at first, some trouble in preserving harmony among women whose jealousy of each other might have honoured an eastern seraglio ; but no eastern despot was ever so absolute as he. The names of his wives he caused to be written on a tablet suspended from the wall of the apartment in which he supped with them. A wand applied to the name of the one with whom he wished to pass the night, was the only intimation he condescended to give ; and the lady thus favoured, prepared, by bathing and perfumes, and by arraying herself in the most splendid apparel, to show her gratitude for the choice. Woe to the woman, whether concubine or wife, who presumed to resist his will, or to disturb the harmony which reigned in his seraglio ! One Elizabeth Wandtscherers, the wife of a citizen, was noted for an untamed disposition ; and was not, we are told, very fond of the marriage state. Knowing that resistance to her husband's will would, in such a place, lead to her destruction, she attempted to escape, but was discovered, brought back, and forced to submit. In a short time, her lord paid the debt of nature ; but this afforded her no relief, for she was speedily compelled to marry a second husband. In fact, among these vicious enthusiasts, marriage was a part of religion : no girl above thirteen was allowed to remain single ; for, in a place where any man might have as many wives as he could support, he refused to wait until the maturity of the maidens. Elizabeth, who was as much averse to the second as she had been to the first husband, demanded

a divorce, on the ground that her consent had been extorted by her father. It was granted ; but her father reproaching her with her rebellion, the shrew replied, that there was not a man in Munster capable of ruling her. Her words being reported to the king, he caused her to be thrown into prison. At the end of two days, he caused her to be brought before him for condemnation ; but, being pleased with her beauty, he asked her whether, in case he should make her his wife, she would henceforth be obedient. Confinement had subdued her spirit, and, with much humility, she replied, — “ If thine handmaid should find such favour in the eyes of my lord the king, willingly would I wash the feet of my lord the king’s wives ; yea, and if it were possible, stoop to meaner offices : thine handmaid will always be at the pleasure of my lord ! ” She was, accordingly, admitted into the seraglio, where, during six months, she endeavoured to control her temper, and be reconciled to her situation. But she grew disgusted with her position : the impiety, the luxury, the unbridled lust of her royal paramour, at a time when half the city wanted the necessaries of life, sunk into her mind ; she felt degraded at being the instrument of the vilest passions ; and, in a moment of conscience or of personal pique, she returned to the king the jewels and fine raiment she had received from him, and requested permission to retire from the court. His wrath was unbounded : such rebellion against the holy of the Lord was not to be borne ; and, with his own hands, he beheaded her — not privately in his palace, but in the market-place, in presence of his wives, the officers of his court, and even of the whole city ; and when the execution was concluded, he danced, while his women chanted “ Gloria in excelsis Deo ! ” Afterwards, king and courtiers, wives and mistresses, danced lasciviously round the dead body ; the first declaring that he had but fulfilled the commands of the Father, who would not allow such an impious jade any longer to pollute the society of the faithful. Some murmurs ap-

pear to have been excited by this sanguinary act ; but Beccold, who had as exalted a notion of the royal authority as the Bourbons, the Tudors, or the Stewarts, insisted that the first duty of subjects was obedience ; that a king had no earthly superior, and must account for his conduct to God alone. The enthusiasm excited for his cause, or rather for the cause of all, sometimes displayed itself strongly. All were ready to compare their circumstances with those of the Israelites ; and all expected that, as the power of God had been once exerted in favour of the saints, so would it be on the present occasion. A woman, of some respectability and of considerable personal attractions, having her imagination continually haunted with the exploit of Judith against Holofernes, resolved to imitate that heroine, by ridding the persecuted faithful of the bishop ; whose death, she believed, would immediately be followed by the raising of the siege. That the impulse was from heaven, she did not doubt, especially when her design was warmly approved by Beccold and the prophets, who confidently predicted its success. Arrayed in the most precious apparel, with poison carefully concealed about her person, she one morning issued from the gates, and hastened to the hostile camp. Being seized, brought before one of the bishop's allies, and interrogated as to her object, she replied, that it was to procure food for herself and husband, then in the city ; that both were tired of the anabaptists, and would willingly join in any project to surrender the place to the bishop, its lawful ruler. She then requested to be led to the prince. Fortunately for him, however, a deserter from the city arrived, who made known her design ; the poison was found on her ; and she was cast into prison. When put to the torture, the fair enthusiast confessed her purpose ; declared that, if she had not obeyed the commands, she must have incurred the wrath, of God ; and asserted her willingness to bear any torment from men, rather than offend Him who had intrusted her, lowly as she was, with the mission. She expressed her conviction,

however, that on her human weapons would be harmless; but one blow of the executioner severed her head from her body.\*

1534, How this burlesque of royalty contrived, during a  
1535. full year, to maintain his authority, appears surprising. Perhaps, however, the very wantonness of his freaks, and the total absence of all rule exhibited in his conduct, only served to impress his subjects the more deeply with his divine mission. In the earlier part of his reign, there was certainly much attachment to his government, and he took care that the more turbulent spirits — those which had any influence over the populace — should be removed from the place. One day, as he was seated on his throne, which was elevated in the market-place far above the heads of the spectators, and was arrayed in his royal robes, with his pages and ministers on each side of him, one of the prophets danced up the steps, — the usual gait of an anabaptist prophet, as it was of the king, who wished to imitate the jumping of David before the ark,— and cried aloud, — “ King John, thou art destined to restore the Gospel of Christ. Thus saith the Lord unto me, his prophet: ‘ Go unto the king of Sion, and say unto him, let my last supper be celebrated in the churchyard of the cathedral. And let the preachers of my word be sent to the four corners of the earth, to teach unto men the way of salvation, to bring all men into my fold ! ’ ” In compliance with the celestial admonition, the people, to the number of 4000, repaired to the cemetery. Before the communion, there was a substantial entertainment, — a welcome novelty in a city half-famished ; then the king and queen, assisted by the ministers, gave the Lord’s supper to the people ; lastly, the royal household communicated, and the “ Gloria in excelsis ” was chanted. (We may here observe, that the mode of communion scarcely differed from that of an ordinary meal : the people ate bread and drank wine, while a few

sentences from Scripture were repeated.) Beccold now demanded, whether all present were willing to obey God by suffering, and, if necessary, by sacrificing their lives for the truth ; and when a reply in the affirmative was returned, a prophet, slowly arising, said, — “ Hear the voice of the Lord ! Choose from among my people such as may seem good unto thee, and send them to the ends of the earth, that they may perform wondrous things, and announce the truth to all nations. And let those who refuse to depart, die the death ! ” Then drawing forth a paper, the prophet read the names of those divinely appointed to the mission ; and we need scarcely observe, that they consisted of persons who, from their influence or disaffection, were obnoxious to the king. Beccold harangued them with much gravity ; assuring them of the high honour they enjoyed in being thus called to labour at the establishment of the universal kingdom, of the glory which awaited them here and hereafter, and exhorting them to sustain every persecution with cheerfulness, since theirs was a holy vocation, and a cause that must ultimately triumph. The number of missionaries was twenty-six ; of whom seven were sent to Osnaburg, the rest to other places ; and, at his departure, each received a piece of gold. Into every place they entered in the usual manner, raising frightful howls, and threatening all who did not immediately repent, and were not rebaptised, with eternal wrath. When brought before the magistrates, and interrogated, they readily avowed their mission, — that they came from John the Righteous, king of Sion, and by the command of God the Father, to preach the Gospel ; and, throwing down the piece of money, they exhorted the people to bring, in like manner, their whole worldly substance, and live in common. When examined as to their tenets, they did not scruple to unfold them : and they incensed the magistrates still more by affirming that the pope and Luther were equally the ministers of Satan ; that the latter was even worse than the former ;

that the Gospel in its purity was now preached for the first time ; and that no prophets were to be compared with David George of Delft, and John Beccold of Leyden, now king of Sion. When put to the torture, they acknowledged that there was much disaffection in Munster, that even the prophets were divided ; that the number of able defenders did not exceed 3000, but that reinforcements were daily expected from Holland and Frisia. Most of them persisted in believing that Beccold would soon reign over the whole earth, and that the cities which refused obedience would be treated like Sodom and Gomorrah ; that the bishop of Munster would, in a few days, be compelled to raise the siege ; and that the impious would every where be exterminated by the faithful. At length all were put to death, except one Hilversum, who was spared by the bishop of Munster, on the condition that he would do all he could to hasten the surrender of the city. On his return, he was seized and brought before Beccold, who demanded, with much severity, the reason why he had so shamefully fled from his post ; why he had not, if necessary, suffered death in the discharge of his duty. But Hilversum could act the prophet as well as his employers. He declared that he had been divinely commanded to return ; that he had been released from his bonds by an angel ; that he was commissioned to tell the king, that God would speedily deliver three powerful cities—Amsterdam, Deventer, and Wezel—into the hands of the saints ; and that to obtain possession, nothing was required but the presence of apostles. It is difficult to suppose that Beccold believed in predictions of which his own experience must have taught him the value ; and the honour which he now showed to Hilversum may be explained by his anxiety to make his hungry followers believe that their affairs were not yet desperate. According to the new prophet's advice, he sent Jacob de Kanpen to Amsterdam, with the authority of bishop, and with him a coadjutor. Here, too, was a manifest violation of the principle common to Lutherans and

anabaptists, — that all ecclesiastical authority was of Satan ; but the latter, who had special revelation to guide them, could suspend or abrogate any tenet, any doctrine, any duty, at pleasure. The two missionaries reached Amsterdam at a time when that city, like many other places of the Low Countries, was in a state of agitation through the secret preaching of the anabaptists. The governor of the province was aware that the opinions of the fanatics tended to the subversion of the state ; and murmurs of approaching revolution from time to time reached his ears ; but he could not reach the conspirators. Occasionally he could seize on a solitary anabaptist, and edify the people with a public execution ; but he knew that proselytes were made more rapidly than they were destroyed.— During six months bishop Jacob remained concealed, but active ; and, from the increased number of his adherents, he was able to organise a new conspiracy, the object of which was the overthrow of the government, and the extermination of all who refused the Gospel. Fortunately, however, there were divisions in Amsterdam as well as in Munster, and many of the fanatics, rejecting his episcopal authority, and that of his master Beccold, adhered to other chiefs,—in fact, whoever had ambition, called himself a prophet, and gave utterance to the blasphemy which best served his purpose. In one of the secret meetings, a tailor, named Theodore, fell into an ecstasy, and prayed with such fury that the imagination of all present was excited. “ I have seen the Lord in His glory,” cried the knave, “ and have spoken with Him ! I have been taken to high heaven, and from thence down into hell ! The judgment day is at hand ! ” Then addressing one present,— “ As for thee, thou wilt certainly be damned ! ” The terrified sinner began to exclaim, — “ Lord, have mercy upon me ! ” and was soon released from his fear by the gracious assurance of the prophet that his sins were instantaneously forgiven, that he was now a child.

of God. The morning following this fanatical exhibition was destined to be memorable. At a very early hour — soon after midnight — they met in increased numbers at the same house ; the women, of whom many had left their husbands asleep, considerably predominating. About four hours were passed in preaching and prayer, when the prophet Theodore, who, for greater security was armed, successively laid aside his helmet, cuirass, sword, and clothes, which he cast into the fire, and stood there *in puris naturalibus*. Nor did this freak suffice ; for in a loud voice he called on every one present, man and woman, to do the same. The command was instantly obeyed : all of even that sex naturally so distinguished for its modesty, which instinctively recoils at the very shadow of indelicacy, believing that the less they possessed of earthly clothing, the more they should be clad in the celestial virtues, stood without even a fillet to bind their hair ! But Theodore contemplated a nobler feat. Opening the door of the apartment, he ordered all present to follow him ; and all rushed into the street, exclaiming, — “ Woe ! woe ! the vengeance of God ! the vengeance of God ! ” Their cries roused the burghers, who, believing that some enemy was at hand, seized their arms, and hastened to the great square of the city. They seized the fanatics, who at first refused the garments that were offered them, saying that to disguise truth and nature was a sin. In the course of the day other arrests were made ; the gates of the city were shut ; and proclamation was made throughout Holland, that no one, under severe penalties, should admit into his house any anabaptist missionary, while pardon was assured to such of the dupes as should hasten to a Roman catholic priest for readmission into the bosom of the church. The magistracy were alarmed, and they had reason to be so ; for though little was to be feared from such frenzied creatures as were now in custody, the great body of the sect had designs deeply laid and extensively ramified.

But they acted with firmness, — we may add, with atrocious cruelty ; instead of executing the seventeen men who had run along the streets, they should have confined them to a madhouse. The courage with which these poor maniacs met their fate was worthy of the ancient martyrs. “ Glory be to God ! ”—“ Lord, avenge the blood of thy saints ! ”—“ Rejoice in the Lord ! ”—“ To Thee, O Father, be all honour, glory, might, majesty, and dominion ! ”—“ Into thine hands I commend my soul ! ”—“ How sweet to die for love of Thee ! ” were the last words of these victims. This barbarity had little effect. In different parts of the Low Countries, the anabaptists arose, destroyed many churches and monasteries, and massacred the ecclesiastics. Henceforth they can have no pity from the reader, however he may lament their wanderings : they were no longer mere sectaries, but rebels, murderers, and thieves, against whom all the severity of the law ought to be directed. In other parts, the men and women stripped themselves naked at their godly meetings ; sometimes they danced ; sometimes, if report were true, they did worse, contending that to those who were free in Christ every thing was permitted. Some of the leaders, dissatisfied with the name of prophet, loudly proclaimed themselves the Messiah. One appealed to his mother, who was present in the assembly, whether his birth were not miraculous, and the woman confirmed the imposture. Another present having the courage to upbraid him for it, the enraged prophet loaded him with a volley of curses, and threw him down. Fortunately, the ambassador from his majesty of Munster was near, and they assailed him so furiously with hands and feet, that he just escaped with his life. But if he departed, other knaves remained, whose influence over the multitude is one of the most melancholy proofs of human weakness. That error may be diffused with as great rapidity as truth, is proved by all experience ; but, fortunately, its empire is fleeting. If combined

and directed by one common mind, these fanatics would have been formidable to the neighbouring cities : but each was willing to pass for a prophet superior to the rest ; each aspired to the glory of founding a new sect, perhaps a new kingdom ; and we are, therefore, not surprised that the frequent ambassadors of Beccold were unable to procure their co-operation. Some of them directed a population far more numerous than that of “ John the Righteous,” and with a despotism scarcely inferior. In vain did John de Geelen, a favourite minister of the king, represent the critical position of Munster, and the facility with which the siege might be raised. Seeing the impossibility of procuring succour for his master, John de Geelen resolved to labour for himself. In this view he laid the boldest claims to prophecy, and hastened to Amsterdam, where his reputation had preceded him. To avoid detection, however, he assumed another name, and promoted his design with unceasing activity. But in some respects he differed from his brother knaves. Believing that the interests of the present might be made to prevail over those of a future state, he dwelt on the approaching establishment of an earthly kingdom in which the faithful should enjoy every pleasure of life,— wine and women, power and riches. Nor was his policy in other respects inferior to his impudence. Hearing that he was proscribed, and finding from experience how difficult it was to act with vigour so long as he was compelled to remain hidden, he went boldly to Brussels, expressed his contrition for his past errors, and proposed, as the condition of pardon, to assist in hastening the ruin of the anabaptists, especially by the surrender of Munster. His proposal was accepted ; letters of credence, and even a sum of money for the levy of troops, were given him ; and he returned joyful to Amsterdam, where he appeared openly. To deceive the magistracy still more, he placed the arms of Spain over the door of the house in which he resided. His object

was neither more nor less than to seize the city, and render it the capital of a new state, like Munster. . He had little difficulty in prevailing on the majority of the anabaptists to join the conspiracy. They agreed to execute the citizens who had shown most hostility to the sect, and they divided beforehand the property of all. The time appointed for their rising was the 10th of May, 1535. On the morning of that day, however, the plot was accidentally discovered, and the magistrates were able to provide for its frustration. A bloody combat followed, which ended in the destruction, or flight, or imprisonment of all the rebels in the place. Among the slain was John de Geelen ; of the fugitives, many took refuge in England. The prisoners, some hundreds in number, were executed, often under circumstances of great barbarity. Jacob de Kempen himself, who had continued hidden, though his activity never ceased to be felt, was discovered, taken, and put to a horrid death. In short, the insurrection was, for the time, suppressed throughout the Low Countries; though suppressed only to burst out with increased fury under Philip, the successor of Charles.\*

Nothing could equal the rage of Beccold on hearing 1535. the duplicity of one agent, and the ill success of the other. His affairs were growing desperate : his provisions were nearly exhausted ; and unless the siege were raised, the place, he knew, must soon surrender. Though John de Geelen had thus proved traitorous, so much was he in want of troops, that he resolved to intrust a considerable sum of money to another of his prophets, and send him to Frisia and Holland for the same purpose. This was the same Henry Hilversum, who had concerted with the bishop the means of sur-

\* Authorities : — Dupin, *Historia Ecclesiastica*; Raynaldus, *Annales Eccles.*; Sleidan, *De Statu Religionis*; Hermannus & Kerssenbroch, *De Obsidione Monasteriensis*; Anon., *Histoire des Anabaptistes*; Bayle, *Dictionnaire Historique*; Lambertus Hortensius, *Tumultus Anabaptistarum*; Corvinus, *De Anabaptistorum Excidio*; Schmidt, *Histoire des Allemands*; Struvius, *Corpus Historiae*; and others.

rendering the city. The prophet, in whom the king had an entire confidence, took the money, left the city, and repaired to the camp of the besiegers. From the tent of the bishop he wrote to the citizens, upbraiding them at once for their wickedness and folly, representing all their prophets as so many knaves whose only object was to abuse the people, whose morals were as impure as their principles were detestable. He defied them to produce one single instance where, of their innumerable prophecies, one had been fulfilled ; and he pointed out to them in glowing colours the fate which awaited them. This letter made a deep impression on the famishing dupes : it shook the tyrant's throne ; but he quickly assembled them in the market place, and by his ordinary eloquence succeeded in repressing their open murmurs. He dwelt at some length on their feebleness of mind, which was at once injurious to their own spiritual welfare, and displeasing to heaven ; assured them that God's promises would not fail of accomplishment ; that His pleasure was to try their patience for a season, in order that he might reward them the more abundantly ; that he who, after once putting his hand to the Gospel plough, looked back, was not worthy of the kingdom ; that famine was more easy to be borne than the wrath of heaven ; that if they persevered in well-doing, their deliverance was at hand ; and that Henry Hilversum had never been the prophet of God, but of Satan, who had inspired him from his youth. But, he might have been asked, if your associate were thus filled with the spirit of evil, how came you, a true prophet, to repose your confidence in him ? If his harangue prevented an insurrection, it did not satisfy the hearers, who retired to their stations or their homes in mournful silence. Their condition was, indeed, hopeless. Such was the famine, that parents were known to eat their own children ; their skin was flaccid, their flesh fell away, their bones were protruded, their eyes deeply sunk in the sockets, their complexion sepulchral, — in short, they resembled spectres, not living beings. Yet, when the city were taken,

what awaited them but death? Sudden death, indeed, would have been preferable to this lingering fatal disease; every day scores fell dead in the streets, and were carried away to a deep pit, into which they were thrown without funeral rites. Even the besiegers, to whom deserters explained their situation, pitied their fate. Not so, however, Luther and his followers, who exhorted the German princes to exterminate them, as they had already exterminated the insurgent parents of the same sect. Seeing no hope, many decided that the gates should be opened, that they might rush on the swords of the enemy; the old and the very young, some men and many of the women, in all above a thousand, were suffered to leave the place: the men were cruelly executed; the women and children were fed and suffered to depart. At length one of the anabaptists, who had been a soldier of the bishop, descended secretly from the walls, and ran to the camp, engaging to surprise the city if furnished with some resolute men. They were immediately granted: he led them, during the silence of night, to a part of the ditch which he knew to be shallow, and to a point of the rampart which was ill supplied with defenders: the ditch was cleared, and the rampart mounted, before the enemy were aware of their presence. Having penetrated to the market-place, a battle followed, in which the anabaptists had the advantage; but the besiegers, being driven back to the gates, broke them down, and thereby gave admission to the whole army. Now all was carnage: no pity was shown to tottering age or helpless infants, or to the supplicating tears of beauty. Beccold was captured, and dragged at the tail of a horse from the scene of his fantastic glory, to a castle of the bishop a few miles from the city. He remained some months in imprisonment. Before his execution, the prelate wished to convert him, nor were the Lutherans inattentive to his spiritual state; but he rejected the offers of both. He bore, with unshaken firmness, both his rigorous confinement, and the prospect of inevitable death. When

asked by what right he had usurped the government of the city and subjects of the bishop, he replied, “ By that of the strongest ; and I should be glad to know what other right invested the first bishop with the sovereignty.” He forgot, however, or perhaps he never knew, that the episcopal authority in question was conceded by the emperor and states, and was recognised by the people as vassals. But if he was thus firm, he was not tired of life ; and he proposed, we are told, as the condition of pardon, to bring back all the anabaptists of the Low Countries to a sound mind. This, however, is somewhat improbable ; for what authority, what powers of reasoning, had he to influence people who had never recognised him ? people who had never willingly obeyed even their own prophets—who were hostile to all government, all order, all industry and tranquillity ? When asked how he could make satisfaction for the mischiefs he had done — how repair the churches and monasteries which he had ruined, and retain the substance which he had wasted, he is said to have replied, “ Shut me in an iron cage, and show me for money, and in a short time you will be doubly remunerated.” Into the horrible details of his execution, and that of his confidential associates, we will not enter. We shall only observe, that no cruelty could be more demoniacal than that of the victors ; and that the name of the Christian bishop and of others who sanctioned it, ought to be held in execration so long as there are records among men.\*

1525. But we will now leave these sectaries, whose doctrines, however enthusiastic, absurd, and mischievous, were deducible from those of Luther, that we may revert to that celebrated man. If he lost his old protector in the elector of Saxony, who died in 1525, he found a friend and professed partisan in the successor of that prince, who had long held the tenets of the reformation, and who had distinguished himself by his hostility to the ancient faith. Let us add, that

\* The same authorities before quoted at page 101.

if in the same year several cities of Germany and Switzerland, and some myriads of subjects in the Low Countries, were severed from his spiritual empire, he could yet boast that it was rapidly extending in other directions. To the duke of Saxony were successively added the elector palatine, the duke of Deux Pontz, the landgrave of Hesse, the grand master of Prussia, and even the whole province, with a considerable number of cities in various parts of the empire. If to this we add, that Bohemia and Moravia were half reformed, that Denmark and Sweden were wholly so, that even the sectaries of Switzerland, the Netherlands, France, and England, must of necessity wish well to the cause of reform, we shall perceive that the moral resolution was not to be destroyed, however it might be checked, by emperor and pope. Into the motives which led most of the Germanic princes and nobles to forsake the Roman catholic for the Lutheran faith, we will not enter ; though the survey might be instructive, it would be felt as invidious : for though as we readily acknowledge, the reformation was in many respects a great good, — a good which has not always been sufficiently appreciated,—in some it was an evil ; and even the instruments of the good are seldom worthy of praise. Rejecting moral causes, and confining ourselves to facts open and purely historic, we may observe that the prospect of dividing among themselves the rich domains of the church must have operated powerfully on men who were burthened with debts, whose habits of life were too extravagant to be gratified, and who had never been much distinguished for religious zeal. Luther himself acknowledged that most followers of his were as rapacious, as unprincipled, as heedless of justice or mercy, as those who had preceded them. Sometimes he broke out into indignant eloquence, in seeing the ecclesiastics turned, without a pension, without means of support, into the world, while the ample wealth of the church passed into the hands of dissolute laymen. He consoled himself, however, by the reflection, that the world had

always belonged to Satan ; that its only god was self-interest. Once, after an unsuccessful remonstrance with the elector of Saxony, he declared the world to be so corrupted, that nobody but tyrants were fit to govern it. But, tyrants as they were, he was very solicitous to have them for his allies. At the instigation of Christian king of Denmark, he even attempted to mollify Henry of England, in the hope that the disputes between that monarch and the Roman see would lead to his junction with the reformers. But the manner of his apology was not likely to produce the effect designed. By supposing that “ the wretched Defence of the Seven Sacra-ments ” was not the king’s, he hurt the vanity of the monarch, who was proud of his work ; by assuming a tone of superiority both as to character and ability, by speaking as a preceptor would speak to a pupil, he for ever indisposed the vain man against him ; and by lauding at once the popes, and “ that curse of England, the cardinal of York,” he sought most impolitically to embroil Henry with them, at a time when circumstances rendered the attempt hopeless. But the assertion that the king was beginning to favour the new Gospel, provoked him to reply. In the tract now published, Henry avowed himself to be the author of the “ De-fence ; ” asserts that he shall esteem Wolsey more than ever, since that cardinal had been honoured by the scurrility of one who never spared merit in the living or the dead ; argues, that if a tree is to be known by its fruits, the conduct of Luther proved that his mission could not be from God ; and condemns some of the dangerous doctrines of the reformer, — doctrines which, as he truly said, were subversive of all morality. In a rage, Luther retracted whatever he had advanced in the hope of a reconciliation ; wondered how he could have been so stupid as to imagine that virtue could dwell in a court, the peculiar seat of the devil ; and expressed his resolution thenceforth to spare no mortal man, however high in dignity. Yet he was persuaded by his zealous disciple, the landgrave of Hesse, to make an attempt to

appease his old enemy duke George of Saxony, father-in-law of that prince. But though he had wantonly and most unjustifiably offended the duke, his apology was not likely to heal the breach. He expresses his regret, indeed, for the warmth of his manner, and for some injurious invectives ; but then the fault lay not in him, but in his burning zeal for the glory of God. Though he had been persecuted by the duke, he forgave all for the sake of peace ; and he begged in return that prince's favour. Not that he did so through fear of man : however powerful duke George might be, he was much less so than the devil, whom the reformer had opposed during so many years. In conclusion, he dwells on his unrivalled favour with heaven. “ If you persist in the hatred you have always shown to the Gospel, I shall be constrained to pray against you ; and do not think that my praying would be vain : it is stronger than all the power of hell. If this were not so, long ago should I have ceased to live. Be assured that •Luther is not a Muncer.” In fact, the brutal invectives of the reformer towards all his enemies, whom he always designated as swine or asses, liars or devils ; and his presumptuous vain glory, did more injury to his cause, than was in their power to inflict. Nor was his conduct in some other respects calculated to remove their dislike, or even to preserve the favour of his own friends. His marriage with Catherine Boren, a nun, occasioned scandal to both. He had vowed chastity at an age when he well knew the obligation of the contract, and was well acquainted with the temptations he should have to withstand. Whether that vow were a wise one, does not affect the question : he had deliberately taken it ; it was consequently obligatory on him for life. To teach that even a rash vow, so long as its accomplishment does not interfere with the everlasting welfare of the individual, can be broken, is strange morality. If a vow can be annulled at the mere pleasure of him who has made it, so, *a fortiori*, may a promise : hence adieu to all human engagements, to all social security. The zeal

with which Luther had assailed monastic vows, and the favour with which he had regarded the men who had broken them, were now apparent. Great was the triumph of his enemies. Not satisfied with his own sacrilege, he had, they observed, incurred a double portion of guilt, by prevailing on another to violate the sanctity of the obligation. His marriage was, indeed, a most unfortunate measure. It enabled men to say, that the causes which had led to the reformation were to be sought, not in the convictions, but in the passions of Luther. Had he, indeed, felt much regard for the great work, beyond one purely personal — beyond the consideration, and the other advantages it procured him, — he would scarcely have taken a step so disastrous to his reputation for security, for disinterested honest zeal. He had soon the mortification to perceive that it displeased his friends no less than it delighted his enemies. On every countenance which approached him, even on that of Melancthon, there was distrust. His own conscience, however, was the worst pang. For some weeks after the marriage, he was exceedingly dejected ; until Melancthon, who had little moral force, began to pity him, and to palliate, nay even to represent as laudable, what he had so strongly condemned. For this criminal indulgence, the disciple's memory must be severely reprehended by every unbiassed mind, since his guilt is only inferior to that of the master.\*

- 1523 While the reformation was thus spreading throughout  
to Germany, and Luther was thus disgracing it by his ex-  
1529. cesses, neither the pope nor the emperor, neither the catholic princes nor the clergy, were inattentive to its progress. In 1523, Adrian sent Francisco Cheregato as

\* Authorities : — Seckendorf, *Commentarius Historicus* ; Sleidan, *De Statu Religionis* ; Beausobre, *Histoire de la Réformation* ; Maimbourg, *Histoire du Luthérianisme* ; Lutheri *Opera* ; Melancthonii *Epistolæ* ; Dupin, *Historia Ecclesiastica* ; Bossuet, *Histoire des Variations* ; Mosheim, *Historia Ecclesiastica* ; Raynaldus, *Annales Ecclesiastici* ; Struvius, *Corpus Historie* ; Paulus Jovius, *Historia sui Temporis* ; Heuterus, *Historia* ; Locherus, *Historia Motuum, Necon Acta et Documenta* ; Myconius, *Historia Reformationis* ; Spalatinus, *Annales* ; with others.

his nuncio to the diet of Nuremberg, to rouse the states against the Lutherans, by insisting on the execution of the edict of Worms. In the papal brief which was produced on the occasion, it was allowed that the court of Rome had been corrupt ; that abuses had been, and still were, notorious—passing from the head to the lowest ecclesiastics ; that a reformation was demanded by the interests of religion, which could not much longer subsist without it : that, as to the Roman court itself, Adrian would see to its reformation ; and he hoped that, the fountain being healed, the streams would be pure ; but that, in regard to the great body of the church, he had need of co-operation from all good Christians. “ God,” observed the pope, “ permits this persecution by the Lutherans, on account of men’s sins, especially the sins of the priests, above the sins of those placed over the church. The people run astray, because the priests set the example.” Sentiments more honourable to a Christian bishop were never uttered ; but they had a bad instead of a good effect. The high church zealots accused him of ignorance in the art of government, in disclosing instead of concealing the vices of his predecessors. To the reformers, his confession was a triumph, since it proved that the abuses which they had so loudly condemned, were not their own invention. Some declared that the professions of Adrian were as hypocritical as his promises,—a true Italian device to elude the redress of grievances. But Adrian was no Italian ; and to duplicity he was a stranger. Nor did the speech of the nuncio, moderate as it was, escape censure. The reformers printed it with the most insulting notes, and dispersed it among the people. He had the misfortune to mention Pericles,—what better proof that he was a pagan ? Even where he endeavoured to rouse the empire against the Turks, by observing that the fall of Hungary would be followed by that of Germany, he could not escape insult. “ The yoke of the Turks,” was the remark, “ is preferable to that of the papists : they are less impious, cruel, abominable than you !” Of

nearly the same sentiment were many of the princes in the diet. They were unwilling to enforce the execution of the decree passed at Worms, first, because it was impracticable, and next, because, even by the confession of Adrian, the abuses which had been assailed were real. They did not omit to thank the pope for his promise of a reformation ; and they besought him to convoke a general council in some city of the empire. And that Adrian might really know what species of reformation was wanted, what the abuses of which the German nation had most reason to complain, they drew up a list of seventy-seven grievances, which were subsequently augmented to one hundred, and are famous in history as the *Gravamina Centum*. As in various parts of the present compendium we have mentioned the more important, we need not repeat ourselves. Suffice it to say, that they had no relation to *faith* or *morals* ; that they regarded the exactions of the pope and clergy, the competency and vexation of the ecclesiastical tribunals, the justice of placing the clergy on an equality with laymen before the laws, the abuses of ecclesiastical patronage, the evils of ecclesiastical censures ; the intolerable amount of dues rigorously exacted on all occasions.\* These were subjects on which both catholic and the reformed princes could agree ; and we cannot, therefore, be surprised that, before the former would sanction the proceedings against Luther, they should be resolved to have redress : if *he* were silenced, who with equal ability and equal courage could fight their battles ? But this resolution, and the remonstrance which accompanied it, were highly displeasing to the nuncio, who had hoped that the papal promise of reformation would be sufficient to procure the condemnation of Luther. There was something, too, in the tone of both the gravamina and the remonstrance, which could not be welcome to a power so jealous of lay interference, and so eager to uphold the interests of the order. As neither party would consent to act in

\* See them in Brown's *Fasciculus Rerum*, tom. i. p. 352, &c.

concert, the mission of the nuncio was worse than useless. Before its separation, however, the diet, in conformity with ancient custom, appointed another to meet at a certain period, in the same city of Nuremberg. Had the emperor been present, it would not, probably, have thus separated ; and had Adrian lived, much might have been expected from his excellent intentions, and from his firmness of character. But the hopes of the Christian world were blighted when Clement VII., a prince of the detestable house of Medici, ascended the pontifical throne. When the time of holding the diet arrived, none of the princes, and but few of the deputies, were present. Attendance, under such circumstances, was certainly no pleasant duty. Many members, through fear of compromising themselves with the pope, the emperor, or their own party, artfully interposed every possible delay, and raised disputes on minor affairs with the view of diverting the attention of the body. At length the diet was opened, in January, 1524. Charles, who was then in Spain, was present by an imperial commissary, who had instructions to reconcile, if possible, the two parties ; to grant something to both ; to insist, with the Lutherans, in the reformation of abuses, but with the catholics to demand the suppression of dangerous opinions. To urge the execution of the edict, cardinal Campegio was despatched by Clement to Nuremberg. Nothing can better illustrate the fermentation of the public mind, than the fact that the legate was dissuaded by the princes from making a solemn entry into the city, in the fear that he would be ill-treated by the populace ; not even the clergy would welcome him, until he appeared among them. In his oration to the diet, he urged the execution of the edict ; but, in return, he was asked whether he had authority to remedy the Hundred Grievances. As Clement had resolved to acknowledge no corruption in the church, to elude a general council and the redress of every grievance, he could answer only by an evasion, which exasperated the princes. But the commands of the

emperor that the edict should be executed ; the urgent entreaties of Ferdinand, whom the emperor had appointed lieutenant-general of the kingdom ; the absence of the Roman catholic bishops, and the danger to be apprehended from the tenets of the anabaptists—forced the members to adopt some resolutions in regard to religion. Postponing, as usual, to the next diet, the consideration of the new doctrines, they agreed to execute the decree, but only *in so far as they were able* ; and that the Gospel should continue to be preached in each state with purity and modesty, and *according to the sense of the most approved doctors*. The clauses in question invalidated the decree, and were evidently framed so as to favour both Roman catholics and Lutherans. Nor was even this nugatory concession made without the demand of a general council, and a redress of grievances. In other respects, there was no unanimity. The imperial cities, of which most were Lutheran, were opposed to the bishops and electors ; the counts and most of the rural nobility were no less hostile to them : and while the deputies and princes thus contradicted the superior college of the electors, all three were torn by internal dissensions. In fact, the difference of religion, added to that of temporal interests, which had always distracted the Germanic diets, rendered union hopeless. The proceedings of this diet were offensive to the pope, who liked not the remonstrances of the princes, nor the demand of a general council, nor the project of another assembly at Spires, convoked for the affairs of religion ; and they were so to the emperor, who condemned most of them, and maintained that they were invalid. That they were equally displeasing to Luther, appears from the fury with which he assailed them. He called, in his usual manner, beasts and devils, all who ventured to enforce the edict of Worms ; he deplored the blindness of those who opposed the Gospel, or listened to Rome ; and he exhorted the states not to undertake any war against the Turks. But there was little need for this violence : he had surely more reason to be satisfied with

the diet than his enemies. At this very time, Colmègio, despising of any good resolution from a general diet, was prevailing on Ferdinand to form at Torgau a league of catholic princes in defence of their religion. It consisted of the archduke himself, of two Bavarian dukes and one prince, of the count palatine, of the cardinal archbishop of Salzburg, and of the bishops of Trent, Augsburg, Spires, Bamberg, Strasburg, Constance, Basle, Brixen, &c. Originally, their object appears to have been purely defensive,—to preserve in their respective districts the ascendancy of the ancient faith; to allow none of their subjects to study at Wittenberg. After the revolt of the anabaptist peasants, the views of the league drew them into direct hostility with the reformers. They boldly drew the whole blame on Luther and his associates, dwelt on the persecutions which they and their people suffered from the innovators, and called on the emperor to interpose his authority in their behalf. The Lutherans were not without alarm. At Pavia, Charles had defeated his enemy Francis; his aversion to the reformation was well known; and it was expected that he would now use all his influence to extirpate it. In self-defence, they formed at Torgau (1526), a centre league, at the head of which were the elector of Saxony and the landgrave of Hesse. The margrave of Brandenburg, who had resigned the grand mastership of the Teutonic order, who had seized Prussia, which belonged to the order, as a patrimonial fief, and embraced the reformation, was not directly named in the league; but his support was sure. At the same time the diet was held at Spires; but as the emperor was still absent, and as the two parties were perpetually in distrust of each other, what could be expected from it? If by one party the execution of the edict of Worms was demanded, by the other it was decided. Circumstances were highly favourable to the Lutherans. As the Turks were already in Hungary, and might soon be in Germany, the catholic prince-

could not crush them in the field.: as Charles had to wage war with the pope, the Venetians, and the French, he, too, was not to be feared. Under these circumstances, it is not wonderful that these two parties agreed to defer their religious disputes unto the next general or national council to be held in Germany, or until the emperor, the pope, and the princes should come to some amicable understanding among themselves. Succours were voted to the Hungarians, contrary to the opinion of Luther, who at this very time asserted, in a treatise, that to resist the Turks was to resist God. But on this occasion the vote was of no avail ; Louis king of Hungary was signally defeated and slain by the infidels. As Louis left no children by Maria, the sister of the emperor, Hungary and Bohemia, in accordance with the compact made by Maximilian, fell to the archduke Ferdinand, as the husband of Anne, the only sister of Louis. Bohemia received him without difficulty : part of Hungary offered to him a rival in John de Zapolya, vaivod of Transylvania ; but he had many adherents, and he was soon enabled to expel his rival from the kingdom. This circumstance was most auspicious to the reformers, whose assistance, they easily perceived, would be necessary to maintain Ferdinand on the throne ; and that assistance they determined to refuse, unless their religious independence were secured. At this crisis, while the Turks were making formidable preparations for the invasion of Hungary, and probably of Germany, the elector of Saxony and the landgrave busily collected forces. What was their object ? Evidently to spread their religion by force of arms, under the pretext that its toleration was menaced. For the moment, as the pretext was found to be erroneous, they were appeased ; but they had the joy to perceive that they could at any time terrify their enemies by a levy of troops. Had the reformers been united among themselves, they would have been above a match for the Roman catholics ; but being divided into two, or even

three, great sects, more hostile to each other than even to their common enemy, they were generally disputing, and branding each other with the most opprobrious epithets. Their chief differences regarded the real presence in the sacrament,— a doctrine which whoever denied was called a devil by Luther, and whoever received it was stigmatised as an idolater by the Zwinglians. No rage could equal Luther's at seeing the most important cities in Upper Germany receive the novelties of the Swiss reformer, who was now joined by Berne, Constance, Geneva, Basil ; in fact, he had the mortification to see half his empire usurped by the Zwinglians and the anabaptists. Many were the efforts made by the more moderate of the two parties to prevent an open rupture ; and in this respect the influence of Philip, the landgrave of Hesse, was beneficially exercised. They agreed to send deputies, who should act in common, into the approaching diet of Spires, convoked chiefly for aid against the Turks. It was opened in March, 1529. Though the emperor was still absent, he caused his representatives to complain of the decree passed at Spires in 1526,— a decree which, as being irreconcileable with the edict of Worms, he declared null. Encouraged by his support, the catholic princes now demanded that the edict should be enforced, and that the princes or cities, who refused submission to it, should be placed under the ban of the empire ; but the opposition raised by the elector of Saxony, the landgrave, the margrave of Brandenburg, and the deputies from the imperial cities, immediately caused its rejection. The next object of the catholics was to divide the Lutherans and the sacramentarians, as the Zwinglians were generally termed. If the former could be made to join in the proscription of the latter, in time *they* too might be assailed to advantage. And when it was proposed with Strasburg, which divided alike the religion of Lutheran and catholic, and which, in fact, tolerated neither, the Lutherans at first showed no disinclination to it, nor to include all the sacramentarians in the same

sweeping ruin. A decree was accordingly drawn up, that the anabaptists should be proscribed ; that the doctrine contrary to the real presence of Christ in the eucharist should not be tolerated in any state of the empire ; that the mass should every where be preserved ; and that no ecclesiastic — meaning no Lutheran or catholic ecclesiastic — should disturb another for his belief, until a council, or a diet with the emperor at its head, decided otherwise. This proposal to suppress at once the anabaptists and the sacramentarians was a master-stroke of policy on the part of the catholics. It was, however, soon penetrated by the Lutherans, who suddenly refused to sanction the decree, especially as it was worded in such a manner as indirectly to condemn some of their own opinions, no less than those of the sacramentarians. The catholic princes insisted ; the reformed princes and deputies remonstrated, and soon delivered in a formal *protestation* against it. Hence their celebrated denomination of PROTESTANTS, dated from the diet of Spires, April 19. 1529. In that remarkable instrument, they asserted that the decree of the preceding diet at Spires, which connived at toleration until a general council met, having been made unanimously, it could only be unanimously abrogated : that they could not accede to the present without wounding their consciences ; that as the popish mass, — their own, however, differed little from it, — was contrary to Scripture, they could not frequent it themselves, *nor would their consciences allow their subjects to be present* ; that, though they knew Christ's body to be present in the sacrament, they could not condemn the anabaptists and sacramentarians, who were not summoned or heard ; that the clause which stipulated that the Gospel should be preached only according to the interpretation of the church, they approved, but this approbation did not remove the difficulty, since there was a dispute which of the churches was the true one. This Protestation was signed by John, elector of Saxony ; by George, margrave of Brandenburg ; by Ernest and Francis, dukes of Lunen-

berg ; by Philip, landgrave of Hesse ; by Wolfgang, prince of Anhalt ; and by the deputies of fourteen cities,—Strasburg, Nuremberg, Ulm, Constance, Reuttingen, Hidesheim, Melingen, Lindau, Kempten, Heilbrun, Isny, Weissenburg, Nordlingen, and St. Gall.\*

The open dispute between the Lutheran and catholic <sup>1529,</sup> princes ; the critical situation of the sacramentarians, <sup>1530.</sup> who might at any time be abandoned by their reformed brethren ; and the danger which threatened both—rendered the chiefs of each sect anxious to merge their minor differences in some common bond of union. This anxiety was, above all, shown by the landgrave, who resolved to effect a meeting between the Lutherans and Zwinglians. For this feeling we may easily account ; he was already secretly inclined to the opinion of the sacramentarians on the real presence, and he feared that the Lutherans would ultimately be persuaded to abandon their brethren, whom they detested even more than they did the papists. But to the proposed meeting Luther was averse : in his own phraseology, the Zwinglians were infidels and devils ; nor could he see what good could result from communicating with them. At length, however, both he and Zwingle agreed to a conference at Marburg ; the former attended by Melancthon, the latter by *Œcolampadius* and others. Since both were known to be jealous of their authority as the heads of their respective sects, it was resolved that they should not be immediately opposed to each other, but that Luther should encounter *Œcolampadius*, and

\* Gravaminae Centum Nationis Germaniae (apud Brown, *Fasciculus Rerum*). Sleidan, *De Statu Religionis*, lib. iii.—vii. Dupin, *Historia Ecclesiastica*, cent. xvi. lib. ii. (in multis capitulis). Pallavicini, *Historia Concil. Trid.* tom. i. lib. 2. cap. 1—18. Maimbourg, *Histoire du Luthéranisme*, liv. i. et ii. Beausobre, *Histoire de la Réformation*, tom. iii. et iv. liv. 5—8. Raynaldus, *Annales Ecclesiastici*, A. D. 1523—1529. Mosheim, *Historia Ecclesiastica*, cent. xvi. sect. i. cap. 2. Spalatinus, *Annales* (sub annis) ; necnon *Vite aliquot Electorum Saxonie*, p. 1114—1147. Pfeffel, *Histoire d'Allemagne*, tom. ii. (sub annis). Schmidt, *Histoire*, tom. vi. liv. 8. Coxe, *House of Austria*, chap. 28. Putter, *Historical Development*, vol. i. book 5. chap. 3. and 4. Struvius, *Corpus Historiae*, p. 1011—1032. Guicciardini, *Istoria*, lib. xvi.—~~iii~~. Heuterus, *Historia*, lib. ix. et x. Jovifus, *Historia sui Temporis*, lib. 20—26. Harveanus, *Annales* (sub annis).

Melancthon Zwingle ; and through the caution of the landgrave, they had a friendly conference before the day fixed for the first public disputation. Such, however, was the jealousy with which the two chiefs regarded each other, that their courtesy must have cost them a severe effort. Yet so anxious, were the sacramentarians to gain the alliance of the Lutherans, that they showed much condescension in regard to original sin, baptism, justification by faith, absolution, purgatory, and other points on which they differed. But the nature and design of the eucharist was a subject on which they diverged too widely to afford the hope of a junction. During three days the dispute was continued with animation ; but, judging from the report of the proceedings, with no great erudition. Evidently both parties were ignorant of what had been written on this momentous subject from the time of Paschasius Radbertus\* to that of St. Anselm, and even of Thomas Aquinas. Luther attempted to prove that, if the celebrated words of our Saviour, *This is my body*, were not delivered in a literal sense, then all the commentators from the apostolic times must have been in deplorable error ; and he more than hinted the presumption of Zwingle, in venturing thus to oppose an individual interpretation to the consent of so many fathers and doctors. This argument, however, was a two-edged sword, as dangerous to the one as to the other. If Zwingle were not to be allowed the privilege of private interpretation, what became of Luther's own plea against the Roman catholics ? The truth is, as one of his own party has observed, though he preached that the Scriptures alone were sufficient to salvation, and that the right of interpreting them equally belonged to all men, he insisted that every body should find in them just what *he* had found ; the moment any one presumed to explain a passage different from himself, from that moment the rash critic was branded with the most opprobrious

\* See Europe during the Middle Ages, vol. iv. Cab. Cyclo.

epithets. He wrote, indeed, a passionate treatise in behalf of Christian liberty ; but no despotism was ever more galling than his liberty. He suffered no dissent, either in discipline or doctrine ; and though the case was precisely the same in regard to the anabaptists and Zwinglians, none was so openly intolerant as himself. In vain did Zwingle endeavour to show that the words had a figurative meaning ; that the bread was *a sign of* Christ's body : Luther would scarcely hear him with patience. The words, he observed, were positive ; the obligation to receive them in their literal sense was imperative ; and if the elements, after consecration, were not in reality Christ's body, of what avail was the rite ? whence the sacrament ? In this case, the manducation became a simple act of commemoration, of no more use than an ordinary meal. Without receiving the real presence, no man could be united with Christ ; consequently no man could be a Christian ; and from this belief the devil should not seduce him. There was much hot disputation ; and had not the landgrave been present, probably something more than a war of words might have followed. With whom the advantage of the argument lay would be useless to enquire : we may, however, observe, that whether the consubstantiation of Luther be or be not founded in Scripture, he was the abler disputant ; indeed, if Melancthon is to be credited, Zwingle and his coadjutors exhibited, in many instances, the grossest ignorance. The landgrave was now anxious to separate them ; for it was evident that the longer the contest was maintained, the less chance of harmony. In one respect Zwingle and his colleagues had the advantage, — in preparing to separate in brotherly charity. Both parties, he said, agreed in the fundamental principles of Christianity ; and in others they might surely have charity for each other : they might even be united under the common denomination of reformers and brethren. The reply of Luther is characteristic. He wondered what ~~scō~~ of conscience could be theirs, who agreed to receive men pro-

fessing, as they thought, heretical doctrines, into fellowship ; who neglected to excommunicate even heresy wherever it could be found. As for charity, indeed, *that* he might grant them, since he was compelled to show it to his worst enemies. All that could be effected was an agreement, that in the present circumstances of the times they should refrain from open hostility.—In contemplating this and other disputes in which Luther was engaged, we cannot refuse him the praise of profound policy. What he had once asserted, he would never recall. Like the Roman catholics, he maintained that an authority, to be implicitly followed, must be unchangeable, and held to be infallible ; and to such infallibility no pope ever laid greater claims. “The Swiss,” he observed, “revoke every thing ; I, nothing !”\*

1530. From Bologna, the emperor had convoked a diet at Augsburg, in the view of forcing the two parties to peace, that both might be at liberty to turn their arms against the common enemy of Christendom. He entered Augsburg in June, 1530, and the assembly was immediately opened. It was attended not only by the German princes and deputies, but by the most eminent theologians, protestant and catholic—Luther alone being forbidden to appear in the emperor’s presence ; but by the orders of the elector he remained at Coburg, to be consulted in case of need. This diet is celebrated for the first Confessions of faith ever presented to the world by the protestants as a body. They were three in number,—one from the Lutherans ; one from the sacramentarians, inhabiting the four cities of Strasburg, Memmingen, Lindau, and Constance, and generally known as the Confession of Strasburg ; and the third from the Zwinglians. Of these, the first, which is the most important and elaborate, was drawn up by Melancthon,—no doubt, because, he had more of the Christian spirit than his colleague, and because *he* had not compromised himself in former treatises. The

\* Chiefly the same authorities.

articles of which it was composed were read in presence of Charles and the catholic princes. They embraced both the subjects on which the two parties agreed, and those on which they differed. The former were, of course, approved by the catholic divines; to whom the emperor referred the examination of the articles; the latter were numerous, though fewer and less violent than we should have expected from the writings of Luther. In fact, as they were framed with the hope of conciliating the good will of the rival church, by a man whose love of peace led him farther than conscience could always approve, we need not wonder that as far as possible, they were studiously assimilated to the catholic tenets. The real presence in the sacrament, without transubstantiation; justification by faith alone; the number of sacraments; the invocation of saints; communion under both kinds—were the points chiefly discussed in the Confession. The manner, however, in which these and other matters were explained, was, in some respects, so much milder and gentler than was to be found in the writings of Luther, that the Roman catholic divines began to suspect the sincerity of the declaration, and to demand whether the present were *all* the articles of difference between the two churches; and if so, whether the reformers would hereafter unshinkingly adhere to them. The demand was not unreasonable; but it could not be satisfactorily answered. They to whom it was addressed, knew that there was diversity of opinion on some of the articles, which, in fact, had been framed for the occasion, but which, when that was past, any of the divines might revoke. Nor did they like to close the door against future improvement, by irrevocably binding themselves to the present act. The reply, that it contained *nearly all* that they judged necessary to salvation, was evasive; but the catholic theologians, affecting to regard it as complete and final, undertook its refutation. As might have been expected, the protestants proceeded to refute the refutation by another writing, an

Apology for the Confession ; so that an interminable theological controversy was the only result which promised to signalise the diet of Augsburg, had not the emperor interfered. His object was to coerce the dissentients, especially as he perceived them to be at war with each other, and for that reason the less likely to agree with himself. But most of the catholic princes knew the force of their enemies too well to expect much good from coercion ; and they procured his permission to try whether an approach, at least, to uniformity, might not be attained by a private conference. When from the number of the disputants, confusion alone followed, seven individuals were chosen from each party. It is singular, that at one time there was something like an agreement on that portentous article — justification by faith. Contrary to the principles of Luther, the protestants acknowledged that faith, and even good works, had some portion of *merit* ; the catholics, that man was justified by *faith*. It is evident, however, that each did not assign the same meaning to the word ; for while the former received it in a special or even supernatural sense\*, the latter conceived it to imply the sum of Christian belief and duty as taught in their own church. On some other points, there was a greater approximation to harmony. It was the opinion of Melancthon, as of many others, that the reconciliation would have been effected, had not the interests and passions of men intervened. The princes and nobles who had usurped the property of the church, the ecclesiastics who had returned to the world and married, the cities which had thrown off the jurisdiction of the bishops and abbots, were resolved that no reconciliation should be effected ; even had the two parties agreed as to doctrine, the separation from Rome must no less have taken place. “ Non credis,” says Melancthon, “ quanto in odio sim Noricis et nescio quibus aliis, propter restitutam episcopis jurisdictionem: ita de

\* See the early part of the present chapter.

suo regno, non de Evangelio, dimicant socii nostri." Yet, though this great and good man,— for such he was,— defended the restoration of the episcopal jurisdiction, he had few willing hearers; on the contrary, the Nurembergers and the rest had the better in the argument; for temporal aggrandisement has been the curse of every prelate,— in an especial degree of the Germanic, the most corrupt and abominable under heaven. But certain it is that their opposition was not one of knowledge or of principle; it was solely dictated by that basest of considerations — self-interest. Seeing that there was no hope of an agreement, the emperor and the catholic princes drew up the decree of Augsburg, which was intended to effect by force what conciliation had attempted in vain. It neither denied nor dissembled the abuses which had for ages disgraced the church; but it promised that the emperor would prevail on the pope to call a council for their reformation; it called on the dissidents to unite with the Roman catholics, until the voice of that council should be heard; and it gave them a few months to consider whether they would consent to such union, distinctly intimating that, unless they did, the sword alone must decide which of the two parties should have the ascendancy. In the mean time they were ordered not to make proselytes, not to molest their catholic fellow countrymen, not to write against any article of the ancient faith, not to admit any more novelties in doctrine or discipline; they were exhorted to assist the catholics in suppressing the heresies of the anabaptists and sacramentarians. Finally, most of the reformed doctrines, such as justification by faith alone, were prohibited.— The protestant princes and deputies were not alarmed at this decree, or the menaces which accompanied it: in fact, the meditated violence was disapproved even by some ecclesiastical princes, as calculated only to exasperate those whom it would be impossible to subdue. It may, however, be doubted whether the majority of the catholic princes, or even the emperor,

meditated, at present, the exercise of force : many of them declared that their object was purely defensive ; that they wished only to procure their brethren in the protestant states the rights of conscience, and to hinder the more pestiferous opinions of the reformers, especially such as regarded free will, justification by faith, civil and ecclesiastical government, — opinions which the recent disturbances proved to be incompatible with social security,— from being more widely diffused. And to remove much of the odium generated by the abuses of their church, the ecclesiastical princes passed, with the consent of the papal legate Campeggio, some excellent decrees for the conduct of the clergy.\*

- 1530 If Charles expected that menaces alone would have to any effect on the reformers, he was soon undeceived ;  
 1533. he found that some of them were eager to thwart his purposes, both as to the aggrandisement of his own family, and as to the war with the Turks. He had long contemplated the election of his brother Ferdinand as king of the Romans. Such an election was demanded by the interests of the empire ; for Charles was generally absent. The elector of Saxony, whose feelings were hurt by the contempt of the catholic princes, resolved not to be present at the diet assembled for the decision. He sent his son, however, to oppose the election, while he met at Smalcald the heads of the Lutherans, whom he formed into a league for the defence of their persons and religion. Such a union was, indeed, necessary ; for Charles had thrown himself into the arms of the catholics, and was waiting the course of events, perhaps to fall on them, certainly to weaken

\* Authorities : — Spalatinus, *Vitæ aliquot Electorum Saxonie* ; Seckendorf, *Commentarius Historicus* ; Pallavicini, *Historia Concilii Tridentini* ; Maimbourg, *Histoire du Luthéranisme* ; Sleidan, *De Statu Religionis Commentarius* ; Beausobre, *Histoire de la Réformation* ; Putter, *Historical Developement* ; Raynaldus, *Annales Ecclesiastici* ; Dupin, *Historia Ecclesiastica* ; Schmidt, *Histoire des Allemands* ; Mosheim, *Historia Ecclesiastica* ; Plouquet, *Dictionnaire des Histoires*, art. *Luther, Melancthon* ; Coxe, *House of Austria* ; Struvius, *Corpus Historiæ* ; Heuterus, *Annales* ; Guicciardini, *Istoria* ; Goldastus, *Constitutiones* ; Cochlaeus, *Vita Lutheri* ; Locher, *Acta Documenta* ; Chryträus, *Saxonia* ; Jovius, *Historia sui Temporis* ; with many others, in pages too numerous to be particularised.

them by force or intrigues. The league of Smalcald has ever since been celebrated in the history of Germany. It was formed, however, in opposition to the former opinions of Luther, which declared, that the Gospel was not to be supported by arms ; that God would defend His own people ; that in all cases resistance to the civil magistrate was sinful. But now he had discovered that even the civil law sanctioned, under certain extreme circumstances, resistance to the magistrate ; and he had only to plead his past ignorance of the fact, in justification of his change. On their side, the sacramentarians, having refused all communion with the Lutherans, and justly fearful of being abandoned by them, also entered into a league, with the landgrave of Hesse at their head. And in Switzerland, the catholic and protestant cantons flew to arms: Zwingle, who had all the qualities of a saint militant, fell in battle ; and grief brought Oecolampadius to the tomb,—if, indeed, as Luther assures us, he was not beaten to death by the devil in person.—Notwithstanding the opposition of the elector of Saxony and his party, Ferdinand was elected king of the Romans. But this was all the triumph Charles could acquire. If ever he had seriously meditated war against the dissidents, the progress of the Turks in Hungary would have deterred him from the project. The protestants did not scruple to assert that, unless toleration were granted them, so far from aiding him against those barbarians, they would join Solyman against him. Nor was this all : though the imperial chamber had been ordered by the emperor and diet of Augsburg to proceed against all persons who had usurped the lands of the clergy and monks ; and never to desist until the usurped property was restored, with ample indemnification, to the right owners—the protestants would not hear of restitution. They disregarded all the citations of the court, and declared that, if attempts were made to execute its decrees, force should be met by force. The situation of the emperor was critical : if he enforced the decrees of

the chamber, he added the protestants to his Mohammedan enemies ; if he neglected the duty, he alienated his own party, the whole catholic church and the pope. As usual, though doubtless with more than usual reluctance, he leaned towards his enemies, hoping that the difficulties of his situation would lessen his guilt in the eyes of his friends. He caused overtures of reconciliation to be made, through the mediation of the archbishop of Mentz and the elector palatine, to the elector of Saxony and the landgrave, as the heads of the protestant league ; and though the latter refused to admit the mediation unless all proceedings in the imperial chamber were quashed, he yielded. Yet this step did not immediately procure peace : many articles were to be proposed and discussed before the protestants would consent to act with the catholics against the Turks ; and the negotiations were more than once suspended. Every day showed more clearly, that on the alliance or hostility of the reformers depended the stability of the imperial throne ; the independence — perhaps the existence — of the nation. Of this fact they were sufficiently convinced ; and they resolved to make it serve their views by insisting on other conditions which had never before occurred to their minds, — conditions which considerably circumscribed the imperial prerogative, and, above all, the influence of the Austrian house. At length, however, peace was concluded at Nuremberg (1532), and the chief conditions were, that a general council should soon be convoked to settle the affairs of religion ; that the Lutherans should retain their present power and privileges, but should not proceed to greater innovations in faith or discipline, nor force the subjects of catholic princes to take refuge among them, nor send missionaries into catholic states ; that they should not support the anabaptists or Zwinglians ; that all proceedings in the imperial chamber should cease. In regard to the other articles, which were so humiliating to the house of Austria, they were withdrawn for the present, but with the protest that they should be brought for-

ward at a more favourable conjuncture. — In all these proceedings we must sincerely condemn, first the protestants, whose demands were outrageous, and who insisted on retaining their sacrilegious plunder; and next the emperor, who, by consenting to suspend all processes against the robbers, sacrificed the most obvious principles of justice, and abandoned the poor and the oppressed to the scoffs of the wicked and the powerful. There can be no doubt that he resolved at a future opportunity to recall the concessions which had been wrung from him; but this consideration cannot surely excuse him, since it proves that he could be deceitful as well as unjust. Duplicity, in fact, entered largely into his moral composition at this period of his life; but as the passions cooled, as ambition lost its empire, as disease assailed him, and as a future judgment approached, he forsook his crooked policy.— On the present occasion it answered his purpose: to prove that their friendship was as valuable as their opposition was to be feared, the protestant princes voted the most ample supplies against the Turks; and Charles, who was enabled to march into Hungary at the head of a formidable army, constrained Soliman to retreat. On his return, he forsook, as usual, the affairs of Italy for those of Germany and Spain.\*

During the next few years there was no open hostility between the two religious parties; though both regarded each other with distrust, even with abhorrence, and each looked forward to no distant triumph over his adversary. But there was dissension enough. In the first place, there was much disputation as to the meaning of the articles concluded at Nuremberg. The catholic princes, under the pretext that, if no man was to be disturbed for his faith, or for things depending on faith, he was still amenable for certain offences against the church, which were purely of a civil nature, were eager that the imperial chamber should take cognisance of future cases, at least,

\* The same authorities.

where protestants should seek to invade the temporalities of the church : probably even, as some allege, they wished the proceedings to be retrospective in certain cases. But nothing was effected ; the tribunal was too powerless to enforce its decrees. In 1534, the protestants, in a public assembly, renounced all obedience to the chamber ; yet they did not cease to appropriate to themselves the property of such monasteries and churches as, by the conversion of catholics to their faith — and that faith was continually progressive — lay within their jurisdiction. We need scarcely observe, that the prospect of spoliation was often the most powerful inducement with the princes and nobles to change their religion. When they, or the magistracy of any particular city, renounced the faith hitherto established, the people were expected to follow the example : the moment Lutheranism was established in its place, the ancient faith was abolished ; nobody was allowed to profess it ; and, with one common accord, all who had any prospect of benefiting by the change, threw themselves on the domains of the expelled clergy. That the latter should complain before the only tribunal where justice could be expected, was natural ; nor can we be surprised that the plunderers should soon deny, in religious affairs, the jurisdiction of that tribunal. From the departure of the emperor to the year 1538, some hundreds of domains were thus seized, and some hundreds of complaints addressed to him by parties who resolved to interpret the articles of Nuremberg in their own way. The protestants declared, in a letter to him, that their consciences would not allow them to tolerate any papist in their states ; nor allow any one to retain property which was now forfeited to the true professors of the Gospel. “*And your majesty may be assured,*” was the conclusion, “*that we shall render a better account of this property than the people who call themselves a church, and who have never had the least right to their worldly possessions.*” This language was sufficiently explicit ; since it declared that the church had

never had the least claim of justice to its endowments. In another respect, they broke the treaty of Nuremberg : they used every means to draw the catholic princes into their community ; they openly extolled the advantages they enjoyed ; and declared that they would receive with open arms, and defend against all the world, every one who should leave the errors of popery for the pure truth they had embraced. These, and similar infractions of the treaty, made them sensible that they should ultimately be opposed, and they hastened to consolidate their strength. By espousing the cause of the exiled duke of Wittemberg, they procured a powerful ally. In 1519, the duke had broken the public peace by laying siege to an imperial city ; and had been expelled by the league of Swabia. On the dissolution of that league in 1533, Ulric, who was supported by the king of France and by the landgrave of Hesse, collected a body of 25,000 men, and forcibly regained possession of his duchy, which had been in the hands of Ferdinand. In return for his own recognition by the protestant chiefs, and to avert an open war, Frederic proposed to recognise the restored duke. The condition was accepted ; and Ulric, now enrolled among the saints, lost no time in commencing the work of plunder. But a greater advantage was the union of the sacramentarians with the Lutherans. Of such a result at the diet of Augsburg there was not the least hope ; but Bucer, being deputed by the imperial cities to ascertain whether a union might not be effected, laboured so zealously at the task that it *was* effected. He consented to modify some of his former opinions ; or, at least, to wrap them in language so equivocal that they might mean any thing or nothing at the pleasure of the holder. The Swiss, indeed, especially those of Zurich, refused to sanction the articles on which Luther and Bucer had agreed. Still, by the union of all protestant Germany under the same banners, much was gained ; the cause was strengthened ; the reformers were able to withstand their opponents.—In the mean time, the dissensions

between the two great parties augmented from day to day. To pacify them, Charles sent fruitless embassies. Roused by the apparent danger, in 1538, the catholic princes formed, at Nuremberg, a counter league to that of Smalcald: in it they disclaimed all intention of molesting the protestants; but they engaged to support each other, and to defend their subjects, against the perpetual encroachments of the reformers. The jealousy of both was so sensitive, the agitation of the public mind so feverish, that attempts to conclude a durable peace were frequent; and mediators from both sides were eager to hasten so desirable an end. But the demands of the reformers were of a nature to shock the religious prejudices of their rivals. They insisted on permission to appropriate to their own use the substance of any church or monastery that had been or might hereafter be suppressed; that they should remain unmolested in the possession; consequently, that all legal proceedings should for ever be annulled. But the demands the most offensive were, that, while none of them would permit the Roman catholic religion to be professed in their own districts, they would have protestants in the catholic states to enjoy perfect liberty of conscience; that the priests or monks, who married should not suffer any legal disability even in those states; and that their children should be declared legitimate. The Lutherans were emboldened to use this decisive language by the daily augmentation of their league of Smalcald. The death of Luther's old enemy, George duke of Saxony, transferred the dominion of that prince's states into the hands of a Lutheran. Henry duke of Brunswick was now the only great secular prince in the north of Germany, who adhered to the Roman catholic faith; and, in his apprehension lest he should be expelled, he hastened into Spain, to acquaint the emperor with the alarming progress of things. All that the latter could do, was to enjoin his brother Ferdinand, and his ambassadors to prevent an open rupture, and, if possible, to procure a truce on favourable

terms to his own adherents. A truce was concluded at Frankfort, in 1539 ; but it could not remove the existing animosity, which was daily augmented. Both parties were in the wrong. If the protestants broke — as they assuredly did break — their treaty with the emperor, the Roman catholics were always eager to turn the influence of the government against their enemies, — whether with or without reason, gave them little concern. Nothing could be more difficult than to hold the scales of justice even between the two ; but, though Charles was a bigot to his own opinions, and detested the new doctrines, he had too much need of the protestants to wantonly insult them. Diet after diet, colloquy after colloquy, was held, in the hope that the two parties could be persuaded, if not wholly to cease, at least to suspend, their shameful dissensions. Both Charles and Ferdinand never lost sight of the possibility that the dissidents might be brought back into the bosom of the church. At the close of 1540, Worms was the scene of a conference very different from that where, twenty years before, Luther had been proscribed. There was an interminable theological disputation, in which attempts were made to define the meaning of terms, and, by a criminal latitude of interpretation, to embrace both parties in the same religion. As little good resulted, Charles, who was hastening from the Low Countries to his German dominions, evoked the affair before a diet at Ratisbon, in April, 1541. These colloquies were very offensive to the Roman court, which always condemned the interference of the laity in the affairs of religion, yet Campeggio was present. Paul III., who had ascended the pontifical throne in 1534, differed from his worthless predecessor in this — that he had a desire for the reformation of abuses. — The diet of Ratisbon was well attended ; and never did prince exert himself more zealously than Charles, to make peace between his angry subjects. But though there was, as

usual, much scholastic disputation, — to the edification, no doubt, of veteran soldiers, who opened their eyes at the frequent mention of free will, grace, the merits of congruity and of condignity, — all that could be obtained was, that things should be suffered to remain in their present state until a future diet, or a general council. The reduction of Buda, however, by the Turks, rendered king Ferdinand, his brother, and the whole of Germany, eager for an immediate settlement of the dispute, that the combined forces might be led against the advancing misbelievers. Hence the diet of Spires in 1542. If, in regard to religion, nothing definitive was arranged, except the selection of Trent as the place most suitable for a general council, one good end was secured, — supplies for the war with the Turks. The campaign, however, which passed without an action, was inglorious to the Germans, who appear to have been in a lamentable state of discipline. Nor was the public satisfaction much increased by the disputes of the Smalcald league with Henry of Brunswick. The duke was angry with his subjects of Brunswick and Breslau, who adhered to the protestant league ; and though he had reason enough to be dissatisfied with both, nothing could be more vexatious than his conduct towards them. In revenge, the league of Smalcald sent 19,000 men into the field, — a formidable display of protestant power ! — and Henry was expelled from his hereditary states, which were seized by the victors. He invoked the aid of the imperial chamber, which cited the chiefs of the league ; but as, in 1538, the competency of that tribunal had been denied in religious, so now it was denied in civil matters. In their own justification they alleged, and apparently not without reason, that, as the members of that chamber were of a different faith, and as its constitution had not been amended in accordance with the imperial promise, they could not expect justice from it, and were not bound to yield obedience to it. The former objection, however,

would have applied, with equal force, to the whole Germanic frame of government; to Charles, as emperor, no less than to the great functionaries. To demand the reform of the tribunal was a duty; to reject an authority constituted by the ancient laws of the empire, was treason. In the diet of Nuremberg, at which Ferdinand was present, they endeavoured to justify their proceedings in regard to duke Henry and the chamber: and declared that, unless the justification were approved — unless, too, some other demands were conceded — they would furnish no assistance against the Turks. They ended with asserting, that all the troubles of the times were judgments on the empire for opposing the pure doctrines of the reformation. Ferdinand and the imperial commissioners replied, that in regard to religious differences, the measure so long requested — the convocation of a general council — was already adopted; that the judges of the chamber could not be deposed, unless convicted of some crime; and that the duke of Brunswick had a right to sue for justice. These answers were specious, but they were not wholly founded: the imperial chamber had certainly sacrificed justice to party feeling; and duke Henry deserved punishment. But though this fact mitigates, it does not remove, the guilt of the protestants, who ought to have sought the remedy of their grievances in a constitutional manner, and who certainly were powerful enough to obtain it in that way. But violence and usurpation were preferred. In reference to the general council, they declared that they would not recognise its authority, nor be present at it. This may seem, and in reality is, inconsistent with the demand which for thirty years had been made of such a council, and with the promise to obey its decisions; but yet, how could they recognise it? From the temper alike of the Roman court and the catholic world in general, they saw that it must be hostile to their doctrines and discipline; that it would be an engine of assault in the hands of their enemies; and they had no other alternative than to reject it. In fact, they

would have been satisfied with no council not composed exclusively of protestants.\*

- 1543 The following years exhibit on both sides the same to jealousy, the same duplicity, often the same violence
1546. where the mask was no longer required, with as many ineffectual attempts to procure a union between them.
- The Turks were always dreaded ; therefore the aid of the protestants was always wanted ; and it had always to be bought by concessions. In the diet at Spires (1544), they were so offended because their demands were not unconditionally granted, that they threatened to deliberate no more. Yet the catholics accused Charles of going on all occasions much too far, — of sacrificing his friends to appease his enemies. In some respects this accusation was unjust. In demanding the suppression of the imperial chamber, the reformers were wrong ; but they had a right to stipulate that one half of the members should be of their own faith. If, in conceding this important improvement, the emperor offended the bigots, he acted with justice and wisdom : in return he procured supplies against the Turks and the constant ally of the Turks, the king of France. Religious matters were postponed to the ensuing diet ; but all processes in the court were suspended. By the catholics, and above all by the pope, he was severely condemned, for admitting heretics to deliberate on the discipline and temporalities of the church. But he persevered in his design. His immediate objects were two ; — that the catholics should approve the projected change in the constitution of the imperial chamber ; and

\* Sleidan, *De Statu Religionis Commentarius*, lib. ix.—xv. Dupin, *Historia Ecclesiastica*, lib. ii. (varius capitulis). Pallavicini, *Historia Concilii Tridentini*, tom. i. lib. 3, 4, 5. (multis capitulis). Spalatinus, *Vita Electorum Saxonie*, p. 1148. Arnoldus, *Vita Mauriti Electoris Saxonie*, p. 1164, &c. (apud Menckenum, *Scriptores*, tom. ii.). Mosheim, *Historia Ecclesiastica*, sect. i. cap. 3. et 4. Pfeffel, *Histoire Chronologique*, tom. ii. (sub annis). Raynaldus, *Annales Ecclesiastici* (sub annis). Maimbourg, *Histoire du Luthéranisme*, liv. iii. Schmidt, *Histoire*, tom. vi. et vii. liv. 8. Coxe, *House of Austria*, chap. 30. Putter, *Historical Development*, vol. i. sect. v. chap. 5. Struvius, *Corpus Historiae*, pars x. sect. 4. Chryträus, *Saxonia*, lib. xv. &c. Jovius, *Historia sui Temporis*, lib. 30—40. Heuterus, *Historia* (sub annis). Seckendorf, *Historia*, lib. iv.—vi. Camerarius, *Vita Melanthonis*, vissim. Loscher, *Acta et Documenta*, passim.

that the protestants should acknowledge the council of Trent, which had been long convoked, but which the wars between France and the emperor prevented from assembling. Of the former he had reasonable hopes ; but that the latter was impossible, was so evident, that we may admire at the pertinacity with which he urged it. It seemed as if all his cares, all his labours to promote peace, should be useless : when on the point of attaining a present good, some accidental circumstance always intervened to frustrate it. The minds of both parties were in such a state of effervescence, that a slight affair raised them to frenzy. But the progress of events continued to favour the reformers. They had already two votes in the electoral college, — those of Saxony and Brandenburg ; they were now to have the preponderance ; for the elector palatine and Herman archbishop of Cologne abjured their religion, in thus placing at the command of the reformed party four votes against three. But this numerical superiority did not long remain. In regard to the archbishop, the step was as illegal as it was extraordinary. Though he introduced the Lutheran divines into his diocese, his clergy still adhered to the ancient faith ; and as by his conversion he had forfeited his archiepiscopal dignity, by what right could he claim the electoral, which was inseparable from it ? He ought instantly to have resigned both ; but both he hoped to preserve through his co-religionists. As the chapter, however, appealed to the emperor and the pope ; and as in consequence he was cited by the latter to appear at Rome in sixty days to answer the charge of heresy ; and as the former, by a special instrument, took the clergy of Cologne under his protection, the league of Smalcald durst not openly receive him : they could only promise to interfere in his behalf. But on this subject the emperor was decided. The pope excommunicated the archbishop, deposed him from his dignity, and ordered the chapter to proceed to a new election ; and when Herman refused to obey, Charles sent troops to expel him, and to instal the archbishop

elect, count Adolf of Nassau. Herman retired to his patrimonial states, where he died in the profession of the reformed religion. These events mortified the members of the Smalcald league; but they were soon partially consoled by the capture of Henry duke of Brunswick, who had the temerity to collect troops, and invade his patrimonial dominions. Their success gave umbrage to the emperor, who could not behold without apprehension the progressive augmentation of a power which threatened the existence alike of the catholic party and of the imperial authority, or at least the prosperity of the Austrian house. It was abundantly evident that, owing to the exaggerated claims of the one party and the bigotry of the other, an appeal must soon be made to the sword; but with an infatuation of which there are few examples in history, the emperor persevered in expecting a union from colloquies, or, as he called them, friendly consultations. One at Ratisbon (1546) having ended like all the rest, he convoked a diet at that city, and with exceeding difficulty prevailed on the protestant princes to be present either in person or by their ambassadors. One reason for the step was, the knowledge he had acquired, that these princes were in communication with the hereditary enemy of Germany, the king of France, from whom they had demanded, and who in fact had promised, succours of money and men. The prospect of a civil war, sustained by the most unprincipled of his enemies, and even by the dignitaries of the catholic party, made a deep impression on his mind. He knew that the confederates had already 20,000 men under arms, and that they were actively, however secretly, augmenting their forces. His first care was to cause troops to be as secretly collected in his hereditary states; his second, to seduce, if possible, some leaders of the protestants. With Maurice duke of Saxony he was soon successful; and eventually with the two margraves of Brandenburg, who agreed to make preparations for a campaign, and join him at the proper moment. The motive of these princes appears to have been a well-

founded apprehension, that the elector of Saxony, the count palatine, and the landgrave were resolved to rule the rest of protestant Germany at their pleasure ; perhaps, by the aid of the French king, to erect independent sovereignties for themselves in the centre and north of the empire. On his side, Charles was equally insincere in his public professions. His convocation of the diet at Ratisbon, which after a vain parade ended in nothing, was only to hide his real designs. As he began to throw off the mask, the reformed theologians precipitately withdrew ; and both parties took the field, but not until they had each published a manifesto to justify this extreme proceeding. In each there was much truth, and more falsehood.\*

Into the details of the war which followed, we will 1546 not enter. The result was important. Though the confederates were greatly superior in number, in a single campaign, which must be regarded as one of the most astonishing in modern history, he dissipated their armies, and took every city which he summoned : but most of them voluntarily submitted, and were pardoned on two conditions, — the renunciation of the Smalcald league, and a heavy fine. The elector of Saxony and the landgrave, the count palatine and Ulric duke of Wirtemberg, sued for peace, which was refused unless they unconditionally surrendered. The two former resolved to await the fortune of another campaign. The count, with whom Charles had been united in the bonds of friendship, escaped on the promise of future obedience, and of forsaking his allies ; in addition, the duke was heavily fined, and subjected to severe humiliations. But disastrous as was this campaign, there was still hope for the reformers : in Saxony, the elector, aided by his allies, obtained a signal victory over a general of Charles ; the Bohemians not only refused to fight against their co-religionists, the Lutherans, but openly rebelled ; Francis urged the confederates to keep the

\* Chiefly the same authorities.

field, and the Turks to make a diversion in their favour. Alarmed by this intelligence, Charles opened the second campaign, which was equally glorious with the first. Having penetrated into Saxony, he expelled the elector from the banks of the Elbe, pursued, defeated, and took him prisoner. In his rage, and little observant of the constitutional forms of the empire, which demanded that the accused should be tried by his equals at a public diet, Charles condemned his captive to death ; but, from this disgraceful extremity he was saved by the remonstrances of his allies. The prince, however, was compelled to renounce the electoral dignity, both for himself and his descendants ; to surrender his fortresses, and his seignorial rights over three cities ; to join in future no hostile league against the emperor or the emperor's allies ; and to remain prisoner during the pleasure of the victor. In return, an annual revenue of 50,000 florins was secured to him and his children. The abdicated dignity was immediately conferred on prince Maurice. Nothing now remained but the reduction of the landgrave, who, having no hopes from resistance, consented to yield at discretion, — the monarch assuring him that his life and liberty, his dignity and wealth, should be respected. But he was scarcely in the victor's hands, when he was committed to prison. This violation of his word casts everlasting disgrace on the memory of Charles ; and it deeply offended his friends, especially the new elector Maurice, who had married the daughter of the landgrave. His proceedings at this period unequivocally prove that he had resolved to extirpate the new religion, and to erect an imperial despotism on the ruins of Germanic liberty. This design was to many apparent in the diet of Augsburg ; but as it was necessary to proceed with caution, his measures did not create much sensation. For the maintenance of that tranquillity which he had happily obtained for his people, two things, he observed, were indispensable,—union in religion, and the restoration of the imperial

chamber, with such improvements both as to its operation, and the laws by which it was to decide, as were demanded by circumstances. In the first of these objects, he expected much from the council of Trent, which had met and decided on some important points of faith ; but a little experience dissipated the hope. The pope and the cardinals refused to enter on the reformation of abuses, until the points of faith were established ; while Charles insisted that the former should have the precedence. He well knew that, after the doctrine of the church should be declared, to which no protestant would pay attention, there would be no difficulty in evading the reformation so long and loudly demanded by catholic and protestant. But Paul, who preferred his own interests to that of the church universal, was obstinate ; and to have the proceedings of the council more completely under his control, he transferred it from Trent to Bologna. Charles was disappointed in his expectations from this quarter, yet he was not without hopes that he could procure the return of the fathers to Trent, and the ultimate redress of grievances. In the mean time, as his influence was so much increased by his recent success, he reverted to his old expedient of a colloquy. As neither he, nor the catholics who acted with him, would sacrifice one iota of doctrine, all that he could hope to obtain was, first, a reformation of discipline ; and in the next place, by affixing a wider latitude to terms, to include both in the same community of religion. As before, theologians on both sides were selected ; and this time, especial care was had that they should be moderate men. Some of the catholics were willing to allow the ecclesiastics who had married to retain their wives, but not that future marriages should be celebrated ; and they did not refuse the cup until the pope or a council general should decree otherwise. In regard to the sacraments, a studied ambiguity of language was adopted ; while, on some points, minor concessions were made, and on others there was utter silence. But the general character of the articles was one of

duplicity ; and they practically lead to the inference, that so long as men joined in subscribing to certain propositions drawn up in the loosest possible language, they might believe what they pleased. If, in the main, they were conformable to the doctrines of the ancient church, they were yet reprehensible for investing in studied obscurity, principles which, if true, cannot be too clearly inculcated. Though these concessions were slight, they offended the bigots, who in addition denounced that the sequestered property of the church should be restored ; and they did not satisfy the protestants, who, however, chose to be silent for the present. Of the princes belonging to the reformed communion, the elector Maurice was the only one that refused to sign the articles. They were in number twenty-six, besides some regulations for discipline ; and they were published under the name of the Interim, as articles which should be observed until a general council decided on them. The emperor was in hopes that he should be able to procure their sanction from the pope, the cardinals, and even the council, and that they might consequently remain of perpetual obligation. In this, however, he was deceived : though the pope did not openly condemn them, his forbearance may be traced to his conviction that the protestants themselves would reject them ; and he did not wish wantonly to exasperate, or unnecessarily to embarrass, one whose motives were undeniably good. The foresight of the pontiff was justified by the event : several of the protestant states refused to accept the Interim.—In the restoration of the imperial chamber, the emperor encountered less opposition. Fearing the disputes which might arise in regard to the presentation of assessors, he prevailed both on catholics and protestants to surrender, for this time only, and without prejudice to their future suffrage, the privilege of nominating them. His object was to make this supreme tribunal more dependent than it had ever yet been on the throne ; but he was constrained by the voice of the diet—of his

friends no less than his enemies—to make such improvements in the modes of procedure, as to render it impossible to be converted into an engine of tyranny. At the same diet, other improvements, to which we shall hereafter advert, were effected in the internal administration ; but, in his eagerness to incumber the municipal authority, to destroy its democratic character, he showed that he was resolved to stretch his prerogative to the utmost. At heart he was a despot ; and willingly would he have trampled on the forms ~~and~~ spirit of the constitution oftener than he did, had not German freedom been too powerful to be assailed with impunity even by him. If he won an advantage one day, it was sure to be wrested from him the next. Of this fact, the Interim furnishes us with an illustration. By some imperial cities, which terror rendered mute for a time, it was received in silence ; by others, with open murmurs ; by a few it was vigorously resisted. These, joining themselves to the states which had equally rejected it, opposed to its execution a mass of resistance, which the imperial officers, after the departure of Charles for the Low Countries, were unable to remove. Even Maurice of Saxony was resolved to elude it—nay, to destroy it ; though policy taught him to proceed with caution in his opposition. Under the pretext of reducing Magdeburg, which not only refused to receive the Interim, but expelled every part of the Romish communion, he advanced, with the emperor's consent, against that city ; but assuredly not in the design, as he could not have the hope, of making any impression on its bulwarks. His object was to prolong the siege until he should be prepared to throw off the mask ; and while he was soliciting safe-conducts for certain protestant theologians to the council, which Julius III., the successor of Paul, had transferred to Trent, he concluded with the French king an alliance against the emperor. In duplicity, Maurice was equal to Charles ; and he was not much troubled by gratitude. He had certainly reason to be offended both with the severe treatment of his father-

in-law the landgrave, and with the persecution of his religion ; but from his general conduct we have no difficulty in discovering that these considerations were much inferior to his ambition. Though rumours of his disaffection reached the ears of the emperor, he had sufficient artifice to destroy their influence. Soon he

- admitted Magdeburg to an honourable capitulation ; despatched his theologians to Trent ; sent an ambassador and two councillors to Inspruck, where Charles then was, to announce his speedy arrival for the purpose of satisfying his sovereign of his fidelity ; and he actually left as if for that city. But sickness, as he said, obliged him to return ; and after some hollow negotiations with Charles, hearing that the Turks were again in motion, he took the field, in consort with the young landgrave of Hesse and the margrave of Brandenburg.\*

1552 The pretexts which Maurice assigned for his conduct to were threefold, — the persecution of his religion, the

1555. infringement by the crown of the Germanic liberties, and the captivity of the landgrave his father-in-law. All were founded in justice ; though this fact does not palliate his duplicity, his ingratitude, and his inordinate ambition. The campaign opened, Augsburg was taken, and several cities which had belonged to the league of Smalcald sent supplies to his camp. Pretending, however, to sanction a truce, until a diet were assembled at Passau, he marched with celerity on Inspruck, at a time when he knew the emperor was unsuspicous of danger, and unprovided with troops. The latter, though tor-

\* Heuterus, *Historia*; necnon *Annales* (sub annis). Sagittarius, *Historia Joannis Friderici*, sect. 5—17. Thuanus, *Historia sui Temporis*, lib. ii.—x. Chrytraeus, *Saxonia*, lib. xv. xvi. Loscher, *Acta et Documenta*, passim. Goldastus, *Constitutiones* (passim). Adamus, *Vita Melanthonis*; necnon *Epiſtola Melanthonis et Lutheri* (passim). Arnoldus, *Vita Mauritii Electoris*, p. 1167—1225. Sleidan, *De Statu Religionis Com.* lib. xv.—xxiii. Dupin, *Historia Ecclesiastica*, cent. xvi. lib. 3. (*variis capitulis*). Pallavicini, *Historia Concilii Tridentini*, tom. ii. lib. 11, 12, 13. Raynaldus, *Annales Ecclesiastici* (sub annis). Pfeffel, *Abregé Chronologique* (sub annis). Mosheim, *Historia Ecclesiastica*, cent. xvi. sect. i. cap. 4. Robertson, *History of Charles V.* vol. iii. (4to edit.). Maimbourg, *Histoire du Luthéranisme*, liv. 4. et 5. Schmidt, *Historia*, tom. viii. liv. 9. chap. 12—15. Stuvius, *Corpus Historiæ*, pars x. sect. 4.

mented with the gout, had time to flee. In a few days the diet was assembled, and was attended by the ambassadors of France, whose king had declared war against Charles; by those of the emperor; and by several princes and deputies from the cities. Nobody was louder in his reprehensions of the emperor than the French ambassador, who dwelt at much length on the attachment of his master to the Germans, and his desire to free them from the yoke of Spain: yet at this very time the French king was subduing Lorraine, with Metz, Toul, and Verdun,— evidently with the consent of the insurgents.\* These transactions, with the removal of the council from Trent, opened the eyes of the emperor. He saw, that in labouring to effect a union between the two religions, he had through the greater part of his life been pursuing a chimera; and he resolved to interfere no more with matters of faith. The catholic princes appear to have been of the same opinion, for now all joined in the cry for peace. Hence a provisional treaty was concluded at Passau. The conditions were, that the landgrave should be set at liberty (Charles had already freed the old elector of Saxony); that the present elector and his confederates should disband their forces; that the Interim was for ever annulled; that protestants should not be excluded from the imperial chamber; that they should remain in possession of the ecclesiastical property they held, until a future arrangement; that in twelve months a diet should be assembled to treat finally on the peace of the church; and that during this period there should be no quarrel about religion. As Albert of Brandenburg, however, refused to accept the treaty, and committed papal depredations on several cities, Charles took the field against him; but in a few weeks concluded a treaty with him also. By so doing, he at once surprised and alienated

\* This fact has been carefully suppressed by the French writers, and consequently by such English ones as follow them alone. See Russell's "History of Modern Europe," vol. ii. letter 63. Historians have more to answer for than any other class of writers. • •

Germany : it was his duty to punish the rebel, yet that rebel he secured as an ally in his projects against the French king. The truth is, he was tired of fighting the battles of Germany ; and if he now made war on the king of France, his motive was the defence of his hereditary dominions in the Netherlands. At this moment he had, doubtless, meditated his approaching abdication ; a retreat from a nation which thanked him not for his pains. The refusal of the states to elect his son Philip as his successor to the German throne, had sunk deeply into his mind : an unsuccessful assault on Metz, and his increasing infirmities, tended still more to disgust him with public life. Before his retirement, however, he wished to leave the empire at peace, and in this view he continued his labours of pacification. Albert of Brandenburg, though allied with the emperor, was not satisfied : he had looked to a considerable augmentation of territory ; had forced two bishops, during the recent commotions, to make him some important concessions ; and when, on the return of temporary tranquillity, they refused to be bound by the act, he took the field. By the imperial chamber, he was placed under the ban, though he proved that his treaties with the prelates had been sanctioned by the emperor,—a proof that the influence of Charles was for ever departed ; other princes, who had their complaints, and who longed for the partition of his states, combined against him ; Maurice of Saxony headed the forces destined to humble him ; and in the battle of Silverhausen he was vanquished, but he had the pleasure to see his enemy Maurice fall in the action. In a short time, however, he was expelled from his states, and driven into France. The severity with which he was treated,—yet he richly deserved his fate,—was owing to a general suspicion that in his rebellion he was encouraged by the emperor, who hoped by his means to humble Maurice. Every day showed Charles the extent of his unpopularity. The protestants he had mortally offended, partly by his violence, more by his

duplicity ; the catholics he had alienated by his interference in the affairs of religion, and by his superior favour to the dissidents ; the princes and cities of the empire he had exasperated by several acts of capricious tyranny. In this state of things, the diet of Augsburg, after some delays, assembled ; and in conformity with the treaty of Passau, the princes and chapters proceeded to draw up the articles of a perpetual religious peace ; but such was the contradiction which the greater part experienced, that Ferdinand, who presided in the place of his brother, prorogued the diet to the following year. In the interim, however, he exerted himself by his letters, and by conferences with the ambassadors of the princes, so much, that when in the following year the diet re-assembled, some difficulties were removed. Yet many remained ; and it was not until many conferences were held, many entreaties and remonstrances used with the leaders of both parties, that the articles of a religious peace was framed, and, after some modifications, subscribed by both. The principal were, that neither emperor nor catholic prince should attempt to call back protestants into the bosom of the church, nor protestants force catholics to renounce the ancient faith ; that every prince should have the power of establishing, in his own state, which of the two religions he pleased ; that, though toleration depends on the will of the prince, subjects who profess a faith differing from him may retire into any other state ; that if a Roman catholic ecclesiastic abandon his faith, he shall lose his dignity or preferment, which shall be immediately conferred on another, but that his reputation and civil privileges shall remain untouched ; that protestant ministers shall retain possession of their benefices, and protestant princes the right of administering the property of the church as at present ; that no catholic bishop shall have jurisdiction over those who follow the Confession of Augsburg ; that the imperial chamber shall do justice to both parties equally ; that the members returned to it, not excepting even the grand

judge, may be protestant as well as catholic ; that these conditions remain inviolable until a general council, or a national one, or a diet, or a conference of the two parties, decide otherwise. To one of these articles,—that which provided that every Roman ecclesiastic, on passing over to the Confession of Augsburg, should forfeit his dignity or benefice,—the Lutherans were highly averse ; and even when their consent was given, it was with a protest that it was contrary to their wishes, though, for the sake of peace, they would withdraw their opposition. Yet what could be more reasonable ? If a catholic bishop, for instance, forsook the religion of his flock, had he any right to retain the rank or the revenues ? were these not the undoubted right of his successor ? What would the protestants have said, had their rivals proposed so monstrous a thing ? Nor were they less unreasonable in demanding for a while another concession,—that, in catholic states, protestants might be permitted to worship God as they pleased. Had they allowed such toleration in their own states, the demand would not have been unreasonable ; but as they declared that they could not, consistently with their consciences, and their regard for the souls of men, permit the profession of any other creed than their own, on what pretext could it be advanced ? The catholics retorted, by observing that they had a belief as strong, a conscience as sensitive, as their opponents ; that they were no less determined to suppress error. There was, however, a remedy against religious persecution ; since the man who embraced a faith differing from the established, could leave the state, and settle in any other where his own opinions were professed.\*

1546. Luther did not live to see this pacification ; he died on the 18th of February, 1546. His character has been judged diversely ; yet, if impartially examined, it may be more clearly understood than any other in all history. That he had many estimable qualities ; that he had a burning zeal for religion, a rare disinterestedness, un-

\* Chiefly the same authorities.

impeached morals, incorruptible integrity, an unshaken patriotism ; that he was always courageous, averse to war, and anxious to promote the temporal no less than the spiritual well-being of the people ; are facts which, though many of his enemies have denied, have been acknowledged by the more candid. That his passions were impetuous, his vanity unrivalled, his fanaticism extreme, his intolerance equal to that of the worst popes, his jealousy of all rivals intense, his hatred of all opponents immittigable, his ideas often coarse, his language offensively vulgar ; that he had little of the mild spirit of true religion,—that religion which softens and sanctifies the heart ; are facts equally indisputable. In addition to the examples which we have adduced in these pages, let us select a few more of such as are calculated to throw light on his character and motives.—Of his fanaticism, or, if the reader please, his conviction that he was divinely commissioned to reform the religion of the world, we have another signal evidence in his letter to the bishops. “The curses of the pope and the decrees of the emperor,” he said, “destroyed in him every trace of the character impressed by the beast of Rome ;” yet, as he ought not to be without some title, he assumed, by divine command, by especial revelation, that of Ecclesiast of Wittemberg ; and in this character he decreed *by the grace of God*. He wished all the world—especially the bishops and the devil, whom he generally classed together—to learn that Jesus Christ had established him as a new and superior authority in the church of God. Nor was this a vain assumption ; in virtue of it, he not only ordained ministers, but he consecrated one Nicolas Arundorf to the see of Naumberg. If he thus assailed bishops, he poured the vials of his fiercest wrath on the popes ; yet with a coarseness, sometimes a buffoonery, offensive to his more rational disciples. “The pope is so full of devils, that he cannot spit out or blow his nose without emitting them.”\* To Paul III. he applies some ele-

\* We omit the most disgusting of his figures.

gant epithets : — “ My little Paul ! my little pope ! my little ass ! move gently on the ice, or you will break your leg ! you will spoil your fine clothes, so that every body will say, ‘ Who the devil is this ? how the little pope has spoilt his finery ! ’ ” In another place he observes, “ An ass knows that it is an ass ; a stone that it is a stone ; but these asses of popes do not know that they are asses ; ergo, they are more stupid than beasts or stones.” — “ I am no ass ; I am more learned in the ~~Scriptures~~ than the pope and all his beasts put together.” — “ Would that I were master of the empire ! I would tie the pope and his cardinals in one bundle, and throw them into the Tuscan sea ! Such a bath — believe me and Jesus Christ ! — would cleanse them thoroughly.” In some of his epistles he exhorted all mankind to treat the pope like a wild beast, and plunge their daggers into his heart. All the defenders of the pope, were they even kings or Cesars, should be treated like the followers of some freebooter, — like the most odious banditti. Even the year before his death he published a book, with the title *Against the Roman Pontificate established by the Devil* ; and in the frontispiece there is a representation of the pope with asses’ ears, surrounded by imps, of which some are placing the triple crown on his head, others dragging him by the feet downwards to hell. — With equal scurrility did he oppose his literary and religious enemies, Henry of England and Erasmus of Rotterdam, no less than popes, bishops, and friars. Every term of offence, of which *ass*, *devil*, *liar*, *pig*, were the most frequent, was applied with unsparing hand ; and woe to the man who had any peculiarity of person ! Henry VIII., with his *fat guts*, was a swine ready for the knife. But omitting his individual controversies, which fill us with unmixed disgust, what can be more hostile to Christian charity than his attacks on whole bodies of men, whole sects, whole churches ? All the sacramentarians, for instance, were in a state of damnation ; all hastening to join Dathan and Abiram : to hold communion with

them, even in the ordinary intercourse of life, was to associate with devils, and to incur their guilt. The devil was within and without, before and behind, above and below them, on their right hand and on their left. To the last month of his life he bore the same antipathy to this sect. "Happy I," he exclaimed, in one of his last letters, "who have not been in the council of the Sacramentarians, nor walked in the paths of the Zwinglians, nor sat in the seat of the people at Zurich!" Against the Roman church, as we have often seen, his rage was the more bitter, because the more personal. Even the fathers and saints of the ancient apostolic church did not escape his censure: all were fools; all ignorant of St. Paul's true meaning,—a meaning vouchsafed to no one before himself.—Of the manner in which he assailed the monks and friars, we could adduce examples enough; but no reader could bear his terms when assailing the continency of the monastic orders. Let it suffice to observe, that he boldly called it an impossible virtue,—no less impossible in either sex, than to change that sex. Nor did the sanctity of the marriage bed escape his obscenity: in one of his public sermons at Wittemberg, he exhorts husbands whose wives refuse or delay the *debitum conjugale*, to take the nearest handmaid,—Hagar for Sarah, Esther for Vashti. In the same feeling, he permitted the landgrave of Hesse to have two wives at the same time. Of this fact there can be no rational doubt, however it has been disputed by those who prefer piety to truth. Philip of Hesse was always a debauchee; and under the pretext that one wife was insufficient, and that he was perpetually living in sin, he applied to Luther, Melanethon, and Bucer, for a dispensation to marry his favourite mistress. He observed, that, while indulging in a known crime, from which he could not and would not abstain, how approach the sacramental table? The Jews of old had been allowed a plurality of wives,—why not he? Had the permission been explicitly revoked?

No subject could be more delicate than this. If the landgrave's request were granted, how great the triumph of the catholics, who had so often and so successfully exposed the tendency of some Lutheran tenets! If it were refused, should the reformers not fear the execution of his threat, that he would no longer support their cause — that he would join the emperor and the pope? After a consultation, in which a distinction was artfully drawn between a universal law and an individual dispensation ; in which the example of the ancient patriarchs was adduced, but declared to be evil, inasmuch as it might allure a ferocious nobility to follow it ; in which some godly exhortations were made that his highness would in future abstain from fornication ; they allowed him to marry his mistress — but lest scandal might be given, in the most secret manner ; that the few persons present should be engaged to silence under the seal of confession. In consequence of this permission, given as it was, by the theologians of Wittenberg, under the form of a dispensation, Philip married Margaret de Saal, with the full concurrence of his wife Christina of Saxony. Heartily do we wish that Luther could be cleared of this foul reproach ; but the proofs seem too evident to be disputed.—Of his personal character enough. That his doctrines led to laxity of morals, is a truth acknowledged, with sighs, by Melancthon, not in one passage of his letter, but in a hundred. He declares that there was no longer any discipline ; that every man did what seemed right in his own eyes ; that canons were despised ; that few understood, or cared to understand, in what the reformed differed from the ancient religion ; that all men embraced the former, solely because it released them alike from submission to authority, and the obligation of morals ; and that, unless the divine mercy interfered, he did not see how the reformation could stand ; how society could be held together. “The authority of our ministers,” he observes in another place, “is wholly abolished ; every thing decays, and is hastening to ruin.”

Among us there is not one church where discipline is observed." He added, that where submission to the church and the Gospel was preached, the people replied, " You wish to become the tyrants of the church, which is now free, to establish another papacy."—" I now see what it is to be a shepherd of souls ; I comprehend the error we have committed by our rash judgment, by our ~~inconsiderate~~ vehemence, in rejecting the papal authority. For the people, accustomed to licentiousness, and we may say nurtured in it, ~~has~~ thrown off every restraint—as if, in destroying the papal power, we had also destroyed the authority of the sacraments and of the Christian ministry. Each exclaims, ' I know enough of the Gospel ; of what avail is your assistance in teaching Jesus Christ ? Preach to them who will listen to you, and have need of your instructions ! '" This confession offers a terrible picture ; yet that it is not overcharged, is acknowledged by Luther himself, and by every writer of the times who has occasion to notice the moral state of society. Whether the same pernicious tenets do not, in the present day, produce the same results, we leave to the reader's observation.\*

It may, indeed, be replied, that Luther was not the author or the first expounder of tenets which constitute his system. To Huss and Wycliffe he was indebted for many ; as they, in their turn, were indebted to the more ancient heretics. Thus, when he denied the free will of man and the resistless force of predestination, he and they followed Gottschalk, who mistook St. Paul and Augustine. But for his doctrine of justification by faith alone,—by a special faith, the effect of divine infusion into the soul,—he seems to have had no leader. Where the merit of good words, or, in the language of the schools, that of condignity, was excluded —

\* *Lutheri Opera* (in a multitude of places). *Erasmi Epistolæ*, lib. 17 18, 19. (*variiis epistolis*). *Melancthonis Epistolæ ad Camerarium* (*Opera*, tom. i.). *Bossuet, Histoire des Variations*, liv. i.—vi. *Instructio quod Doctor Martinus Bucer apud Doctorem Martinum Lutherum et Philippum Melanthonem sollicitare debeat*; *necnon Consultatio Lutheri et aliorum super Polygamia* (apud *Bosquet*, p. 328, &c. 4to ~~edit~~ Paris, 1688.). *Schmidt, Histoire des Allemands*, tom. vii. liv. 9. chap. 22.

nay, where the best were declared to have in them the nature of sin— they could not possibly be valued. It was, indeed, taught, that they flow necessarily from a lively faith ; but if we take the term in its ordinary acceptation, without regard to its mysterious incomprehensible definition, no proposition can be more false. Hence the tenets of Luther, though contrary assuredly to his intentions, tend to immorality. With these, however, civil government would have had little concern, had he not assailed the power of the magistrate and the authority of the church. To suppose that the members of any church could be induced, by principle or persuasion alone, to observe its ordinances ; that, without a superior power to try and expel offenders, any rule could long be obeyed, that any society of Christians could long subsist ; might be consistent enough with his own wild notions of Christian liberty, but must be scouted by the common experience of men. But what are we to say when he assails civil government ? when, like his predecessors, Huss and Wycliffe, he represented all government as contrary to the Gospel, as a usurpation of natural right, as a curse in every state, as peculiarly injurious to the “ saints ? ” His opinions on this subject, as we have before intimated, being improved by his disciples, led to the reveries of the anabaptists, and to the disorganisation of society. “ Even,” says Erasmus, “ if all that Luther has written were true, a liberty so seditious would much displease me : I would rather remain in error on some points, than disturb the whole earth by propagating such truth.” The next evil was, that the new opinions being taught as the only true ones,— as divinely obligatory on men, as those from which dissent was in the highest degree criminal,— an intolerance was diffused, absolutely inconsistent with the peace of society. Luther would no more suffer opinions differing from his own, than the most furious bigots of the Roman catholic communion.. Yet his system was founded on the plausible maxim that, as divine revelation was made to man, to

each man in particular, so each man has a right to interpret it according to his own judgment. On this plea he left the church of Rome; but while contending for the right of private interpretation, he would not allow it to others. So long as any reader found in the Scriptures exactly what *he* prescribed to be found, well; but to interpret differently from himself, was a presumption which brought on the head of the unfortunate adventurer a profusion of the coarsest epithets. No man ever laboured more successfully to diffuse this abominable spirit of persecution. Before his time, the Roman catholics were, in this respect, bad enough; but he made them a hundred times worse. Truth is certainly one, and dissent from it may be criminal; there may be more responsibility in regard to human opinion than we generally imagine; but whoever contends that he alone has found, that he alone teaches it, that he alone has the right to punish deviations from it, shows that in presumption, at least, he has some claim to admiration. But if he proclaim his own infallibility, mankind may hesitate to admit it; and if he attempt to enforce it, there may be a struggle deeply injurious to society. Nor is this the most prominent view of the evil. Every reader to whom Luther made the Scriptures accessible, every hearer of the word as preached by the reformed ministers, felt that, if the fundamental principle — private interpretation — were just, it was as much his duty as it was his privilege to “search whether these things are so;” and if he discovered a meaning differing from that of his teachers, he was equally obliged to proclaim it. Hence the number of sects which, in a few years, overran Germany, Switzerland, and the Netherlands; which penetrated into England and France; and which, by producing a continued fermentation among the people, paved the way for the horrible wars of religion that during so many years desolated the greater part of Europe. Nothing was so mortifying to the early reformers, as to behold the continual defection of their own disciples, — men who,

however illiterate, disputed with them on the explication of Scripture. If to a madman a sharp sword be a dangerous weapon ; is the Bible, the most mysterious book in the universe, less so to an unlearned or a vicious mind ? Where the wisest and most learned of men are the least positive, the most humble, the most ignorant are always the most presumptuous. This right of private interpretation has been more prolific of evil than any principle ever proclaimed by man. In many cases it has led to fanaticism, in more to absurdity, in some to open infidelity, in all to a contempt for ancient authority,—for the decisions of the apostolic fathers, and of the great luminaries of the church. It has generated the reveries of enthusiasm, while it has destroyed the sober landmarks of human opinion. Nor, in enumerating the evils resulting from the reformation, must we omit the increased power it has given to kings in affairs of religion. Without the support of the German princes, Luther and his associates soon found that they could not stand ; hence their willingness to admit them into the management of discipline—even to decide on points of faith. In all protestant countries, the prince is virtually at the head of the church. Whether he has exercised his patronage with as much attention to the canons as the pope ; with equal disinterestedness and penetration ; whether his conduct has been as correct, and his zeal as lively ; we leave the reader to determine.\*

But if the reformation has thus produced its evils, it has also given birth to good which counterbalances them. Of this, the most obvious point regards the state of religion itself, alike as a feeling and a principle. Let the Roman catholics argue as they please about the unity and universality of their religion, the records of the middle ages prove that, in the majority of men, it was a lifeless tissue of ceremonies, which, from their frequency, could not even strike the imagination ; which made assuredly little impression

\* Founded on the various lives of Luther, and the Ecclesiastical History of the period. See also Schmidt, Histoire, tom. vi. liv. 9. chap. 22.

on the heart,—none whatever on the understanding. “Assurement,” says a candid Jesuit, ‘quant à la pratique, la religion a beaucoup gagné à la réforme, par le soin des protestans à détourner les esprits de l’extérieur pour les diriger vers le sentiment.’ It is, indeed, true that, since the time of Luther, religion has been an object of the understanding rather than of the eye ; of the heart rather than of the memory. The repetition of a prescribed number of prayers, almsgiving, a journey to some shrine, the veneration of some relic, might, in former times, satisfy for sin ; but from the sixteenth century downwards it has been admitted, that, without true compunction, without reformation of life, such things are ineffectual and even puerile. In this respect the Roman catholics have gained as much as the protestants : they have learned spirituality ; they have forsaken their cold, unmeaning, and useless observances, for a principle—that of divine love—which pervades the heart ; for knowledge which informs the understanding.—In the second place, there has been no less improvement in the conduct than in the feelings and reasonings of men. The descriptions which, in various passages of the present work, we have given of society prior to the appearance of Luther ; the corruption of morals both in the clergy and the laity ; the worldly spirit of the ecclesiastics, from the pope down to the humblest parish priest ; the profligacy of all ranks and conditions of men ; and their ignorance as to what constituted the character of Christianity, are proofs of this. The tenets of the reformation produced vices enough ; but they were vices less odious than those which previously disgraced society. As religion was in danger of being smothered under an accumulated heap of human observances and opinions, so were morals of perishing through the boundless licentiousness of the period. In this respect, too, the present Roman catholic has need to bless the memory of Luther and his colleagues in the reformation. Cast our eyes wherever we may, we find an amazing improvement in the general state of morals : the ag-

gregate of all the crimes now committed in Europe, would not equal those of a single kingdom during the period which elapsed from the twelfth to the sixteenth century. Not that in this period, dark as it is, there were not saints and scholars such as the world has not seen since, and probably will never see again ; but both sanctity and knowledge were chiefly confined to the cloister, and were unknown to the world at large.—In the third place, the reformation has been exceedingly favourable to civil liberty. The same principle of curiosity which taught men to examine the grounds of their faith, urged them, in an equal degree, to weigh the nature and design of civil government. It was soon discovered that despotism was founded on ignorance ; that it had no divine right to support it ; that, on the contrary, it was repugnant alike to reason and the word of God. If that word inculcated obedience to the higher powers, it also taught that the poorest and lowest subjects had rights inalienable and sacred ; that in the eye of heaven the highest and lowest are equal, all Christians brethren, coheirs of another and a better kingdom, equally on earth the objects of the divine solicitude. It would be a libel on the ancient faith to insinuate that these truths were unknown before the sixteenth century ; the republics of Italy, the comunidades of Spain, and the civil codes of Germany, are proofs to the contrary ; but it would be equally erroneous to suppose that they were generally recognised, or at least that they had much influence in practice, before the minds of men were rendered inquisitive by the change in religion.—In the fourth place, and as a necessary consequence of this augmented knowledge alike of religious and political rights, was the increased stimulus given to individual exertion. Despotism, whether civil or ecclesiastical, is a sad enemy to social enterprise, to individual activity. When man perceives that he has rights which cannot be invaded with impunity, that the profits of his industry are secured to him by recognised law and custom, he will require no

spur to labour ; and in proportion as he enriches himself, so will the state be benefited. Hence the general improvement in the social condition of nations ; the spread of civilisation ; the increased comforts of the people ; the elevation of the lowest to some degree of estimation in the social scale.— Fifthly, the same moral revolution has led to an amazing increase of knowledge. If, prior to its operation, learning the most extensive sometimes distinguished intellects the most acute, the instances were rare, and they could not redeem the age from the charge of ignorance. To understand the Scriptures, which catholics and protestants admitted to be the common fountain of faith, the early reformers assiduously studied the original tongues, the Hebrew and Greek ; and the attainment served as a key to other departments of knowledge,— to history, laws, geography, and antiquities, no less than to theology. Prior to the sixteenth century, these languages were almost entirely neglected : will it be readily believed that they were condemned, not only by ignorant monks and friars, by half-literate parochial clergy, and by illiterate dignitaries of chapters, but by doctors of the church, by universities ? Yet that such was the fact, is too evident from the epistles of Erasmus, and from the controversial works of divines. The doctors of Louvain, and even of Paris, stigmatised the study of the Scriptures in the original tongues,— in any other than the Vulgate,— as the inevitable path to heresy. But this pitiful hostility soon gave way ; the catholics, no less than the protestants, applied with success to the study of the Hebrew and Greek Scriptures ; manuscripts were discovered, and carefully collated, and the divine text was restored to something like purity. Yet we must not forget that the reformers were, for a time, hostile to learning ; even Melancthon, the brightest luminary (Erasmus excepted) of the times, fell into the melancholy opinion that all books but the Bible were worse than useless. The truth is, that though the moral revolution has led to a more cultivated state of

intellect, it has been undesignedly ; though this improved state is in some degree *a consequence*, in a far greater it has been produced *in spite*, of that revolution. — Sixthly, and this is the last consideration we shall notice ; for we have no wish to indicate minor or mixed causes — the political constitution of Germany was defined by circumstances arising from this great revolution. The states, both catholic and protestant, roused to enquiry by the propagation of the new opinions, and eager to know on what grounds they might resist the imperial authority, on what they might pursue a policy apart from that of the confederation, began to study the principles of all federative unions, and to weigh with peculiar care the public law of the empire. It is certain, that from the reign of Charles, the rights of states, and the boundaries of the imperial authority, have been better ascertained than at any former period.\*

From these and other considerations interspersed throughout this compendium, it is evident that, on the whole, the reformation has been an incalculable good to Europe. It has purified religion and morals ; it has guaranteed civil liberty ; it has improved the intellect. Of its principal instrument, however, we have been compelled to speak in terms of severity. It is, indeed, difficult to determine whether that extraordinary man effected more good than evil. Had he never appeared, the reformation would still have been effected ; for the clergy were too corrupt to be suffered to remain as they were ; and some minds, which, like that of Erasmus, never diverged from the centre of unity, were already assailing the abuses of the times : nay, even bishops and cardinals declared that such a state of things could not, and should not, continue. Never were remonstrances addressed to the holy see, so dignified in tone, or firm in manner, as those of Constance and Basle, — the opinion, let us remark, not of a few individuals, but of the whole Christian world. The Christian philosopher

\* Founded on the histories of the period, and on Schmidt, *Histoire, ubi supra.*

may lament that Luther held opinions so inconsistent with the Gospel, and with the social duties of man ; he may wish that greater moderation and greater judgment, combined with equal zeal and less passion, had been concentrated in that memorable individual. But let us, while estimating the motives and character of the reformer at their real value, be grateful for the good of which he has been so immediate a cause.

But let us revert, for a few moments, to the civil events of the empire during this period.

Charles had always found the crown of Germany one of thorns. In disgust for royalty, embittered as the state was by the opposition alike of his subjects and of the church,— distrusted by one party of zealots, hated and insulted by the other,— soon after the pacification which we have related, he resigned the imperial crown in favour of his brother Ferdinand. The instrument of abdication is dated at Brussels,— for, after his retreat before the elector Maurice, he would never revisit Germany,— early in 1556 ; but it was not received and sanctioned by the diet until the close of 1558. The three intervening years exhibit little that is important. In 1557, there was, at Naumberg, a colloquy between the divines of both churches ; and it ended as other colloquies had done,— in the quarrel and separation of the parties. The object was a union between the two ; but it was one for which the protestants had no longer any desire, since they had obtained the great end of their struggles and sacrifices. They had obtained, not merely toleration, but, in their own states, the supremacy — nay, the exclusive exercise — of their religion ; and, in the rest of the empire, they were on terms of equality with the Roman catholics. Social harmony, however, could not exist ; especially as several articles of the pacification were purposely left vague, that each party might, under more favourable circumstances, advance claims which it was now expedient to suppress. Hence the seeds of future dissension germinated with rapidity, though in silence.

But, for this misfortune, Charles is not to be blamed. No sovereign could labour more zealously or more perseveringly than he did to restore internal peace. Of this fact, the preceding pages afford sufficient proof. In other respects, his memory may be reverenced by Germany. Notwithstanding his frequent, or rather his continual, absence, "many beneficial regulations in the police, jurisprudence, and finances, were introduced during his reign. He improved and new modelled the imperial chamber, on which the preservation of the peace so much depended, and established new regulations and statutes in regard to its constitution, jurisdiction, and proceedings, — a work, as a competent judge observes, which ought to be considered as a masterpiece of its kind; and which, even to the present day, has not only preserved its authority as a law of the empire, but as a rule for all the legal proceedings since established in the different circles, and is considered as common law in such cases. He likewise imposed a perpetual tax for its maintenance; and, above all, instituted an annual and regular visitation to inspect its proceedings, to remedy abuses, and grant new trials in cases of appeal.— To the reign of Charles must also be ascribed an innovation in the mode of contribution for military aids. Hitherto the armies had been supplied by personal service, according to the feudal system, or by the impost called the common penny, which was levied on the value of all property. These ancient modes were now commuted for a tax in money, at the rate of twelve months per month for a horseman, and four for a foot soldier; and for the purpose of raising this supply, the territorial lords, who had hitherto received only gratuitous contributions from their provincial states, were authorised to levy the tax granted by the imperial diet. The respective proportions were founded on the matricula, or list of the troops to be supplied by each state, which was arranged at the first diet of Worms, for the intended expedition of the emperor to Rome; and, although the expedition did not

take place, the statement was preserved as a foundation for the computation of future aids ; and from the original purpose, the contribution received the name of the Roman months." The reluctance of the German nobility to bear any kind of impost, to contribute in any pecuniary way to the necessities of the state, has often been noticed. But in this reign we perceive that they submitted to one, on the distinct understanding that it was not imposed as a right, but should be considered as a voluntary gift. They had, in fact, no alternative, unless they preferred to march to the field at their own expense. This, which had always been their aversion, was far more onerous than their proportion of a contribution levied alike on the commercial cities and rural communities, and generally insignificant in amount. Again : — " The union of the circles was a considerable advantage for the maintenance of the public peace. It was instituted in consequence of the dissolution of the Swabian league ; and first formed by the two circles of the Rhine, and those of Franconia and Swabia, for the purpose of opposing the predatory aggressions of Albert margrave of Brandenburg. It was ratified before the close of the year by all the circles, and made a law of the empire by the imperial order of execution, inserted in the recess of the diet of 1555, by which, in case of disturbances, the states of each circle were to afford all necessary aid under the command of their respective colonels : and if the force of one or more circles were insufficient, all the circles of the empire were to join in maintaining the public peace, or supporting the decrees of the imperial chamber." If to these improvements we add, that Charles compiled a new code, which has been called after him, and which is now the basis of Germanic jurisprudence, we shall allow that his reign has, in other respects than the reformation of Luther, considerable claims on our attention.\*

\* Paulus Jovius, *Historia sui Temporis*, tom. ii. (1<sup>a</sup> lib.). Vida y Hechos de Carlos V. tom i. et ii. (multis capitulis). Schmidt, *Histoire*

1521 During this reign, the tranquillity of the empire was often disturbed by other causes than those regarding religion ; but its supine indifference to every thing not immediately affecting its existence, was as evident as on any former occasion.— 1. In Hungary, the progress of the Turks was alarming. In 1521, Ferdinand espoused the princess Anne, daughter of Ladislas, and only sister of Ludovic king of Hungary and Bohemia. This step was politic, since it added another to the many ties which connected the claims of his house with those important countries. In 1526, Ludovic fell in the disastrous battle of Mohatz, while opposing the Turks. By this event, as the deceased monarch left no issue by his wife Maria of Austria, Ferdinand was the undoubted heir to the two crowns. By the Bohemians his claims were immediately acknowledged ; but a portion of the Hungarians, always averse to the Austrian connection, elected John de Zapoli, palatine of Transylvania. As another portion acknowledged Ferdinand, a civil war was inevitable. To support himself against the superior force of the right sovereign, John invited the aid of Solyman, sultan of the Turks, whose vassal he engaged to be. This was one of the most fatal alliances which ever befel Eastern Europe : it led to wars which, during a century and a half, agitated these regions, and threatened the subjection of the cross to the crescent. Loud and everlasting must be the execration of posterity in regard to this unprincipled, ambitious man. Solyman poured his savage hordes into Hungary, the chief towns of which were rapidly reduced, and penetrated into Austria. Ferdinand, unable openly to oppose the overwhelming force, strengthened the fortifications of Vienna, and collected troops from every pos-

des Allemands, tom. vii. Ferreras, *Histoire Générale*, tom. ix. Coxe, *House of Austria*, vol. i. chap. 26—32 Putter, *Historical Developement of the Germanic Constitution*, vol. i. book 5. chap. 1—10. Pfeffel, *Abrégé Chronologique*, tom. ii. (sub annis). Struvius, *Corpus Historie*, pars x. sect. 4. Sleidanus, *Historia*, lib. xxv. Thuanus, *Historia sui Temporis*, lib. xix.; cum alijs.

sible quarter. This time, however, wearied with the resistance of the places he besieged, the sultan retired to Constantinople ; but it was only to augment his means of aggression. In 1532, he reappeared in Hungary, penetrated through the passes of Styria, and besieged Guntz ; a fortress which, though of no great importance, made a defence so heroic that the whole Turkish host were unable to reduce it. In the mean time, Charles roused both catholics and protestants to unite in defence of the empire ; a formidable Christian army was put in motion ; and this demonstration, added to the ill success of his arms, again forced Soliman to retreat. Ferdinand and John de Zcoli now renewed their contests for the crown ; and years of obscure and desultory warfare followed, which do little honour to either party. In 1538, both rivals agreed to a compromise,—that John, as the condition of joining the alliance against Turkey, should preserve the regal title during life, Ferdinand and his posterity being acknowledged the undisputed heirs to the crown. But both parties were insincere : to exclude Ferdinand, John married in advanced years ; and though he died in 1540, he left an infant son to continue the contest with his rival. The civil war was renewed ; the Turks reappeared on the Danube, declaring for the young prince. Ferdinand, to save the remnant of the country, concluded an inglorious truce with the sultan ; and he had the additional baseness to assassinate the prelate Martinuzzi, to whose influence and talents he was indebted for the resignation in his favour of the crown by the widowed consort of John. This murder drove the Hungarians, who always hated the Austrians, into revolt ; and they supported John Sigismund, the son of the late king, in the reduction of Transylvania. The young prince, in imitation of his father, courted the Turkish alliance ; and at the death of Charles, the warfare, which had been interrupted by occasional truces, devastated these regions.—2. From Bohemia, Charles and his brother received many mor-

tifications. The Roman catholics and the Callixtines\*, whom the efforts of Podiebrod and of Ladislas had persuaded to harmony for a season, renewed their strife from the very commencement of Ferdinand's reign. The king was of course a bigot, and therefore averse to the Hussites, who were eager to make common cause with the Lutheran Saxons: and he offended the people by revoking the right of election, which he had declared inherent in the states of the kingdom; and by declaring that the crown belonged to him in strict hereditary right, without the sanction of a diet. They confederated in defence of their civil and religious privileges. In the end, however, they were compelled to dissolve the confederacy, and to submit to the royal mercy. As Ferdinand had no wish, amidst the troubles of Germany and of Hungary, to incense the reformers beyond the hope of forgiveness, he continued to tolerate the Calixtines: in matters purely temporal, he augmented, by slow but sure degrees, his authority, until it far exceeded that of his predecessors. Fortunately for Bohemia, his distractions in Hungary, his attempts to secure the imperial crown, his necessary defence of the Austrian dominions against the Turks, prevented him from carrying into execution the ulterior designs which he had evidently formed.†

\* See Vol. II.

† Bonfinius, *Rerum Hungaricarum Decades*, decas x. Dubravius, *Historia Bohemiarum*, lib. 31. Schmidt, *Histoire des Allemands*, tom. viii. Pfäffel, *Abrége Chronologique*, tom. ii. (sub annis). Goldastus, *De Privilegiis Bohemiarum* (multis instrumentis). Putter, *Historical Developement*, vol. i. book 5., and vol. ii. book 6. Coxe, *House of Austria*, chap. 33. and 34. Struvius, *Corpus Historiarum*, passim. Sleidanus, *Commentarius*, passim.

## CHAP. III.

FERDINAND I. — RELIGIOUS AFFAIRS. — CALVIN. — HIS DOCTRINES. — MAXIMILIAN II. — RODOLP<sup>H</sup> II. — MATTHIAS. — FERDINAND II. — RELIGIOUS ANIMOSITIES. — CIVIL WARS. — FERDINAND III. — CONTINUATION OF THE WAR. — PEACE OF WESTPHALIA. — LEOPOLD I. — CRIMINAL CONNEXION OF THE PROTESTANT STATES WITH FRANCE. — FOREIGN WARS OF THE EMPIRE. — JOSEPH I. — CHARLES VI. — FOREIGN WARS CONTINUED. — CHARLES VII. — FRANCIS I. — TROUBLES. — JOSEPH II. — CONTINUED WARS. — WILD REFORMS. — LEOPOLD II. —

FERDINAND I.—The reign of this monarch offers few political events of a striking character. In Bohemia, there was tranquillity, since he had made himself the absolute master of the kingdom. In Hungary, the war still lingered, with little advantage either to him or his rival, John Sigismund. In Austria, his hereditary possession, he found the number of dissidents so much increased, that, though a zealous catholic, policy induced him to apply to the Roman court for two great concessions,—the marriage of the clergy and the use of the ~~oup~~<sup>to</sup>: the latter he obtained; the former, the pope had no power — as he had, doubtless, no inclination — to grant. And, in another respect, the emperor showed that, if he was a true catholic, he was no slave to the papacy. At the commencement of his reign, having signed the usual convention with the electors,—a convention which differed from that of his brother and predecessor only in so far as it afforded security to the protestant religion,—he notified his accession to Paul IV., and at the same time expressed his desire to receive the imperial crown from the hands of that pontiff. Never

was conduct more impolitic than that of Paul on this occasion. Protesting that Ferdinand had never been the lawful king of the Romans, since he had been elected to that dignity without the concurrence of the head of the church, he refused to receive the ambassador ; reproached the new sovereign for daring to assume the imperial title without his sanction ; declared that the abdication of Charles was null, since it had been effected without the consent of the papal see — the acknowledged superior of the empire ; and ordered a new election to be made, before Ferdinand should be recognised as the temporal head of Christendom. Were not this monstrous instance of arrogance too well attested to be doubted, mankind would have some difficulty in believing, that, at a time when half of Germany, almost the whole of Scandinavia, England, the Low Countries, half of Scotland, and part of France, had thrown off all obedience to him, the pope could use language which would scarcely have been tolerated in the darkest ages. In this unexpected crisis, the emperor acted with the spirit becoming his station. He ordered his ambassador to quit Rome, unless an audience were immediately granted him. In alarm, Paul temporised ; but, though he was anxious to mollify the monarch, death surprised him in the midst of his negotiations. Pius IV., who succeeded, was more tractable ; and though Ferdinand, in the instrument of notification, omitted the word *obedientiam*, which had hitherto been inserted in it by all his predecessors, his title was acknowledged. Catholics, no less than protestants, were irritated at the pretensions of the pope : both declared that it was high time to dissever the last ties which connected his *secular* authority with the empire ; and that, while the catholic princes and states yielded him in spirituals a ready obedience, he must be openly taught that his absurd temporal claims were no longer admissible. It was resolved, that henceforth no emperor should receive the crown from the hands of the pope. That resolution

has been wisely observed ; and, from this period, not a vestige of dependence is to be discovered in the intercourse of the emperors with the popes. Soon afterwards, though Pius interposed many obstacles, Maximilian, the son of Ferdinand, was elected king of the Romans, with the unanimous consent of the electors ; and instead of an instrument containing the obedience of the empire towards the head of the church, a mere complimentary epistle was substituted. “ Thus terminated the long dependence of the emperors on the See of Rome, which had been established in ages of darkness and ignorance ; had been continued from respect and habit ; and which, in all periods, had involved the empire in innumerable embarrassments and calamities, without producing a single real advantage.”— In many other respects, the duties of Ferdinand were sufficiently delicate. His great object was to preserve internal tranquillity, by continuing the good understanding between the rival parties in religion. He held the scales of justice so evenly balanced between them, that no one could accuse him of partiality. He would not allow the catholics to suppress, in their own states, the exercise of the reformed religion ; nor, to gratify the protestants, would he abolish the Ecclesiastical Reservation. Nor was outward harmony between them his only aim. With the same zeal, and, unfortunately, with as little success as his predecessor, he laboured to effect a union between them. While, on the one side, he endeavoured to make the protestants acknowledge the council of Trent ; on the other, he attempted to wring from the pope, among other concessions, that of the two points we have mentioned,— the clerical marriages, and the use of the cup. But, moderate as was Pius IV., his prejudices could not be made to bend ; he evaded every request, however demanded by policy. With equal pertinacity, the protestants refused to recognise the council, unless the pope attended like any other bishop, without the power of presiding, or swaying, or in the slightest degree di-

reeting the proceedings ; unless the reformed theologians should be declared equal in character and dignity to the Roman catholic bishops ; unless the council were transferred from Trent to some city of the empire. In a subsequent assembly at Naumberg, they went further. They would not receive the papal ambassador, the cardinal Commendoni ; nor the papal letters, addressing them in the usual style of "*Filiī*," since, as they did not acknowledge the bishop of Rome as their father, they would not accept the title which he had given them. At length they condescended to write ; but in a tone of the bitterest invective : they heaped every abusive epithet on the Romish hierarchy, especially on its head ; and declared that they would never attend any council convoked by him, simply because he had not the power of convocation, -- that being the undoubted prerogative of the emperor. This supremacy of the temporal sovereign over the concerns of religion is, we are sorry to perceive, a fundamental principle of most protestant churches. None could be more fatal ; since wherever he has been suffered to exercise any influence, he has done so to the irreparable injury of religion : he has bestowed on courtly sycophants the rewards due to virtue and learning ; and by placing over the church, men whose only object was their own temporal advancement, who were almost uniformly traitors to their profession, and who, in their turn, were anxious to fill the subordinate offices with their own creatures — *similes similibus gaudent* — he has transformed the ministers of the altar into the ministers of Satan ; has converted religion into the handmaid of worldly ambition ; and substituted a lifeless, offensive carcass in place of the lovely, animated form which breathed around benevolence and peace, and which men once worshipped with ardour. If Ferdinand were disgusted with the savage opposition of these fanatics — who, without sacrificing one rational point of their creed, might surely have used courtesy towards the oldest bishop in the universe, and

have shown a disposition to be tolerant where forms only were concerned, where the essential articles of belief were tacitly laid aside for a season—he had soon the gratification to perceive that they were more fierce in their hatred to each other than to the common enemy.—In the preceding chapter, we have adverted to the dissensions which, during the life of Luther, embittered the minds of his followers. Three great points, in particular,—the nature of the eucharistic sacrament, that of justification, and the extent of the divine decrees, continued, and with greater virulence than ever, to divide the reformed doctors. In this very assembly of Naumberg, on the suggestion that the Confession of Augsburg should be received as the general exposition of the reformed faith, scenes of violence occurred, which had been hitherto unparalleled. On some points the Calvinists, who, since the death of Luther, were amazingly multiplied, were in direct collision with the Lutherans; and, in the fury of sectarian zeal, they assailed each other,—little to the edification of Christians, little to the credit of their respective professions, but much, undoubtedly, to the delight of their watchful opponents, the Roman catholics. Here, however, that the reader may have something like precise ideas in what the tenets of Calvin differed from those of Luther, we will devote a few observations to the subject. The reformer of Geneva has exercised too great an influence on his age and posterity; and that influence is too visible in the churches of England and of Scotland, and still more in the sects which have diverged from both, to be dismissed with the mere mention of his name.\*

\* Chryträus, *Saxonia*, lib. xix. et xx. Thuanus, *Historia sui Temporis*, lib. xxi. xxii. Sarpi, *Historia Concilii Tridentini*, lib. v. Pallavicini, *Historia*, passim. Struvius, *Corpus Historie*, pars x. sect. 5. Lehmannus, *De Pace Religionis*, lib. ii. Ravnaldus, *Annales* (sub annis). Jovius, *Historia sui Temporis* (ult. lib.). Schmidt, *Histoire des Allemands*, tom. viii. Mosheim, *Historia Ecclesiastica*, cent. xvi. sect. iii. pars 2. Loscher, *Historia Motuum*, pars iii. Gerdes, *Historia Renovati Evangelii*, tom. iii. Bossuet, *Histoire des Variations*, liv. viii. Putter, *Historical Developement*, vol. ii. Coxe, *House of Austria*, chap. 33—350

1509 John Calvin was born at Noyou, in Picardy, in the  
to year 1509. Being intended for the ecclesiastical state,  
1564. great care was had of his education. During his studies  
at Paris and Orleans, where he exhibited much acute-  
ness of intellect, and an ardent desire for knowledge,  
he acquired some acquaintance with the doctrines of the  
reformation. But it was at Bourges, whither he re-  
moved to perfect himself in Greek and Hebrew, under  
the German professor Melchior Wolmar, that he be-  
came fully embued with their spirit. From the first,  
however, though he adopted most of Luther's opinions,  
he leaned, in other respects, to those of Zwingle; and  
being of an ardent temperament, he did not, like most  
of his brethren, conceal his new sentiments. At Paris,  
which he visited after the conclusion of his studies, and  
where he published his commentary on a book of Se-  
neca, he conducted himself with so little discretion that  
he was compelled to flee. At Basle, where he first re-  
paired, he began to write in defence of the reformation.  
Hitherto the new doctrines were only to be found in  
scattered treatises: they were not yet connected to-  
gether; they were not even precisely defined; and  
were, consequently, far from having reached the dignity  
of a science. To collect, explain, and in some cases to  
amplify them, was the work of Calvin, in his elaborate  
treatise *On the Institution of the Christian Man*. This  
was intended to be a complete *corpus theologicæ*, to contain  
the sum and substance of religion. In general he follows  
Luther; but he pushes to more culpable lengths some  
of the dangerous tenets of that reformer. With them  
he combines the still more objectionable ones of Zwin-  
gle; and to both he adds peculiar dogmas of his own,  
remarkable for their boldness. It must, however, be  
observed, that, where he is not fettered by his peculiar  
tenets, he is one of the ablest as well as most eloquent  
expounders of the Christian faith. Endowed with a  
mind far more comprehensive than Luther, of greater  
subtlety, greater extent of learning, and incomparably

better disciplined, Calvin was, in many respects, the greatest of the reformed theologians. But he was no less intolerant than Luther, or the wildest of the anabaptists. Though he had suffered persecution, he had not learned to feel for others: on the contrary, whoever ventured to dissent from his opinions, was sure to be persecuted by him with unrelenting severity. At Geneva, where his works were admired, and where he soon obtained unbounded influence, he procured the banishment of all who presumed to doubt of his infallibility. One, as is well known, the physician Servetus, he prevailed on the magistrates of Geneva to consign to the flames. "Heresy," he said, "was of a nature so pestilential, that wherever it appeared in the social body, it ought to be cut out with the sword." But where did he derive the infallibility necessary to distinguish between truth and error? And how came he to forget the fundamental principle of the reformation, — the right of private judgment in the interpretation of Scripture, the sole rule of our faith? If he and his associate ministers found in that rule a sense different from that adopted by the Roman catholics, and contended that they had a right to receive and to diffuse the new interpretation, with what show of justice could they refuse the same right to such as differed from *them*? The truth is, that intolerance and zeal are almost inseparable. To the close of his life, this celebrated man continued to display the same conscious superiority, the same sternness of manner, the same unbending obstinacy even in matters indifferent, the same severity of morals and purity of conduct. Governed on all occasions by conscience, however mistaken its voice; unrivalled alike for extent of erudition, logical subtlety, and eloquence; we cannot be surprised at the ascendancy he obtained. He was, in fact, the supreme dictator of Geneva, both in temporal and spiritual matters. In the one case he established a new ecclesiastical government, — consistories, colloquies, synods, elders, deacons, superintend-

ents: he regulated the forms and prayers of religion; fixed the number and ceremonies of the sacraments; and confided the jurisdiction of the infant church to a consistory, which had the power to excommunicate, and the proceedings of which he directed to the close of life. Nor was he powerful in Geneva only: his decisions were sought by the reformers of every European country; and he had considerable influence, through his friendship with Cranmer and other English reformers, in the establishment of the English church under the sixth Edward, and in the definition of its doctrines.\*

But the works of Calvin are more important than the author; and we proceed to give a brief view of his doctrines, as contained in his Institutes.

1509 They are divided into four books.—1. The greater  
 to part of the first, which regards the existence and attributes of the Deity, the necessity of revelation, and its sufficiency as a guide to man, is in general remarkable for acute reasoning, and luminous views of the relation between man and his Maker. The existence of God he holds to be an innate idea; and, in spite of Locke, he is in the right. A sense of the power and the will to help us, in some superior intelligence, and the feeling that we require such aid, are independent of all antecedent knowledge: they are engraven on every human heart. Yet, though this innate conviction, strengthened as it is by the works of the visible universe, is the foundation of all religion, it cannot of itself suffice for the conduct of men; since we learn from all history, that, by our running into the excesses of idolatry, the nature and the attributes of the One true God have been misconceived. Hence, neither the view of the creation, nor reason, is a sufficient guide to man. But God has been graciously pleased to reveal his will to us; and that will is contained in the Holy Scriptures. But how

\* Bayle, Dictionnaire, art. *Calvin*. Spire, Histoire de Génève, tom. ii. Calvini Epistola, passim. Plouquet, Dictionnaire des Hérésies, art. *Calvin*. Maimbourg, Histoire du Calvinisme, passim. Beza, Vita Calvinii; necnen Masso, Vita ejusdem.

are we to be assured that this revelation really proceeds from God? Rejecting, as Calvin does, the authority of the church, which has declared which books are, and which are not, canonical—which alone could distinguish the genuine from the apocryphal—and knowing that not one man in one million could have the learning necessary to decide on such a subject, he was driven to a miserable dilemma,—that of inward inspiration. As the church may be deceived, and may consequently deceive others, God infuses his spirit into our hearts—that Spirit which spake by the prophets—not only to convince us that He has continually revealed what we receive as canonical, but to acquaint us with the meaning of that revelation. Hence, it is not by the authority of ancient councils—not by the aid of extensive learning of biblical criticism, and of severe consecutive reasoning, that we are to receive the Scriptures as a divine revelation: for the bulk of mankind it is by a particular inspiration. Let it not, however, be supposed, that Calvin undervalues the learning, the criticism, and the reasoning to which we have adverted, or that he represents the church as wholly without authority. On the contrary, he recognises both; but then neither can afford certainty—neither consequently set the mind at rest—without the internal evidence of God's Spirit. Here is a dangerous error,—one which must inevitably lead to enthusiasm. If the intellect must be subservient to the feeling; if the judge in the most important of cases be, not the head, but the heart, not the cool enlightened reason, but the impulse of sentiment; what security have we against the wildest fanaticism? against the most monstrous fancies? In this persuasion, the anabaptists rejected all Scripture, as a guide at the least uncertain, and in any case as much inferior to the inward conviction produced by the Spirit. Calvin felt the difficulty of his position; and declared that the Scriptures were diligently to be read; anathematising, as fanatics and fools, all who rejected their authority,

under the pretext that the “inward law” was sufficient. Yet this was gross inconsistency; for if a particular special inspiration were necessary to understand the true sense of Scripture; if that Scripture, without the aid of the Holy Ghost, were a sealed book; why was a revelation of God’s will ever made to man? Can that which is incomprehensible be called a revelation? Why not regard the Spirit alone as a sufficient, since it was the only secure, teacher? A hundred times less irrational was the wild persuasion of the anabaptists, than this doctrine of Calvin. He does not conclude the first book without suffering to appear his most favourite tenet, that of predestination. As, in the physical world, there is an inseparable connection between causes and their effects; as every thing we behold is the result of some active necessitating influence: so, in the moral world, there is the same uncontrollable relation; every passion, every impulse of the heart, every thought of the mind, every exertion of the will, being, in like manner, the necessary result of some antecedent cause. And since, in the one case, however the laws of nature may be said to produce certain phenomena, the primary and efficient cause is God; so, in the other, however we may talk of human will, the same cause is equally active and equally resistless. Hence, because He works within us according to His own pleasure; because every wish, every thought, every emotion, is the result of that influence; there is no such thing as free will; vice and virtue being in an equal degree His work. To say that He merely *permits* the existence of evil, that He is not the efficient cause, is, in the opinion of the reformer, sheer absurdity; inconsistent with the acknowledged import of language, and with the only rational way of interpreting Scripture. These monstrous opinions, as is well known, were entertained in the early ages of the church. That St. Augustine was no stranger to them, is evident from his writings, though it may be doubted whether he participated in them, since he clearly recognises the ex-

istence of free will. They were adopted by Gottschalk\*, who far outwent his predecessors. Luther evidently inclined to them †; but it was reserved for Calvin to reduce them into a system.—2. In the second book, which regards the condition of men on earth, we find a still further exposition of that monstrous dogma—predestination ; and the same misconception of the true meaning of Scripture. That, through the transgression of Adam, we are all born in sin, is a catholic truth, approved by universal experience ; but that *every* faculty of the soul is *wholly* corrupted—that we are incapable of a *single* good thought or action—is as dangerous, and quite as absurd, as to deny that human nature is for ever fallen. From this thorough, unmitigated corruption, man being incapable of attaining that moral virtue without which he cannot see God, arises the necessity of divine grace, which must not only resist the perpetual tendency of our hearts and minds to evil, but must begin, continue, and perfect the holy work within us. Without it, he cannot so much as *will* a good action ; he cannot form one good resolution ; he cannot feel one good desire. Unsupported as is this view of the subject by any well understood passage of Scripture, and inconsistent as it is with reason and daily experience, we should yet have little room for complaint, if the assistance, so necessary to every human being, were equally vouchsafed to *all*. But the mischief is, that by this system it is conceded to those only, who from eternity have been predestined to the privilege.—3. In the third book, these, and other principles deducible from them, are urged with greater earnestness, and in an amplified form. The death of Christ has atoned for sin ;—a truth, catholic and incontrovertible ; but, salutary as it is, it could not pass through the mind of Calvin without being tainted by the fell poison within. If Christ died for all, all would have the

\* See Europe during the Middle Ages, vol. ii.

† See the preceding chapter.

same chance of salvation,—a result which the Genevan professor was far from admitting. Christ died for the elect only,—for those who from eternity were predestined to life eternal. For *them*, grace is always provided ; they only experience its resistless influence, and are sanctified by it, for the enjoyment of that region, which nothing unholy can enter. The rest of mankind never receive it : it does not so much as visit them ; but they are left to harden in their impenitence, in accordance with the decree which before the foundation of the world consigned them to everlasting misery.

—In the same book, the author treats of the means by which the elect are made partakers of Christ's merits. Like Luther, he makes *faith* to be the chief, and, like him, he assigns to that word a signification which, prior to the sixteenth century, never entered into any human mind. He defines it to be a certain infallible conviction of God's benevolence towards us, in Jesus Christ : by it no one is permitted to doubt, not merely of his justification, but of his final salvation. Every true Christian, viz. every one predestined, must of necessity have a reliance in Christ equal to that of the apostle Paul,—that neither life nor death, things present or to come, principalities or powers, can separate him from the love of Christ. Hence he is at all times *certain* of his salvation,—a certainty far superior in degree to that which we can attain on any worldly subject, since it rests on the promises of one who can neither be deceived himself, nor deceive others.—4. The last book chiefly concerns *the Church*, which, according to Calvin, does not consist of the elect only—of the saints who have been made so by the resistless Spirit of God, in accordance with His eternal decrees : it also comprises sinners, because it is visible, has ministers of different gifts and qualifications, who like their hearers may err. If, however, the church err in *essentials*, it ceases to be a true church ; and salvation is no longer to be obtained in it, since there is no longer a faithful exposition of the

word, or a legitimate administration of the sacraments, ~~which~~<sup>means</sup> to which God has attached the holiness of man. By this definition, he assails the Roman catholic church,—the nurse and guardian of error. The rest of the book is occupied with definitions of the two sacraments,—baptism and the Lord's supper—in which he varies from all other reformers as much as he does from the Roman catholic church. The first, he held, was not necessary to salvation; since the infant might be, and in fact must be, born not in sin, but in a state of grace, if destined to life eternal. Its admission into the church proved nothing: who could be sure that it was among the elect? And if not, of what avail was the rite? In regard to the eucharist, he rejected both the transubstantiation of the Roman catholics, and the consubstantiation of the Lutherans; yet he differed also from the Zwinglians, by teaching the actual presence of Christ's body, in a manner indefinable, because incomprehensible.\*

If the reader minutely examine the tenets of Luther <sup>1509</sup> and those of Calvin, he will find, among many points <sup>to</sup> <sub>1564</sub> of resemblance, some of difference. The two chief points regard justification and the eucharist. Adopting the opinion of Luther, that we are made just by the righteousness of Christ, which by faith is imputed to *us*, Calvin improved it in three important points. In the first place, that certainty which his predecessor required for the justification of the sinner, *he* extended to man's final salvation. Never was any doctrine more comfortable than that which caused a man unhesitatingly to believe, not only that his sins were pardoned, that he was in a state of grace, but that heaven would infallibly be his portion. This article was a striking addition to the usual profession of faith, and distinguished the genuine Calvinist from the member of every other church. As an instance, we may select that of

\* *Calvini Institutiones*, lib. i. ii. iii. iv., in multis capitulis. Plouquet, *Dictionnaire des Hérésies*, tom. i. art. *Calvin*. Bossuet, *Histoire des Variations*, liv. ix. Maimbourg, *Histoire du Calvinisme*, *passim*.

Frederic III., count palatine and elector of the empire. In the exposition of his *Credo*, having asserted his belief in the Trinity, he comes to the holy catholic church, which consists of those selected from the whole human race by God's spirit and the ministration of the word, of which he is, and shall eternally remain, a living member. Appeased by the satisfaction of Christ, God, he is sure, will never remember any of his sins, either past or to come ; but will impute to him the righteousness of Christ, freely and gratuitously ; so that, strong in Christ's infinite merits, which are thus become his own, he has not the slightest dread of future judgment : " I know," he concludes, " with the fullest certainty, that I shall be saved, and that I shall appear with a cheerful countenance before the tribunal of Christ ! "— As a necessary consequence of his doctrine, Calvin was compelled to add, that when grace is once received, it cannot be lost ; that it *must* fulfil the purpose for which it was decreed,— the sanctification and salvation of the recipient. Hence, he who once receives the Holy Spirit and is justified, receives it and is justified *for ever*. The decrees of God cannot be made of no effect : how, then, can *he* who is predestined to life, fail of the end ? The grace of God is all-sufficient, resistless : how, then, can its influence expire ? must not the favoured recipient of necessity be sanctified and saved by it ? how, then, can it be lost ? Hence the expressions, *final perseverance of the saints*—*living and eternal members of the church*, so common from the middle of the sixteenth century.—In the third place, and as a necessary result of the first tenet, which teaches that justification and final beatitude are the inevitable offspring of faith, Calvin held, as we have before intimated, that baptism cannot be necessary to salvation. In this respect, monstrous as is the proposition it involves, he was at least more consistent than the Lutherans ; for if, as they acknowledged, justification is by faith *alone*; and, if to justification, both parties applied the same definition,

why the *necessity* of baptism? why, indeed, of *any* sacrament? Is not the unshaken conviction that our sins are pardoned, that we are partakers of Christ's righteousness, that we are heirs of heaven, sufficient, without the adventitious — might we not say the *superfluous* — means, — prayer, preaching, the sacraments, &c.? As a consequence of this system, baptism could not effect the remission of sins; it could not regenerate; it could not infuse grace. Hence an inevitable, yet more startling proposition — children might be in a state of grace *independently* of baptism. Nor did Calvin hesitate to avow it in all its naked deformity. Children, who were destined to life, were most certainly born in grace; they were children of the covenant: hence baptism could not confer any benefit on them; and it was merely the sign or seal of the holiness to which, by God's decrees, they were destined. Well may Bossuet term this dogma “*inoui dans l'église, mais nécessaire à Calvin pour soutenir ses principes.*” Its foundation was sought in Scripture, in the promises made to Abraham. “I will be thy God, and the God of thy posterity after thee.” This was the old covenant; it descended from father to son: why should not the *new* covenant — that of grace — be transmitted in the same manner? Hence grace is the portion of the elect from the moment they come into the world; and baptism is merely the sign of that grace, and the seal of the new covenant. — Of the three points just enumerated — all contrary to Scripture, and all in themselves so absurd that nothing short of sectarian stupidity would receive them — all are fatal to morality. To be sure of heaven, by the mere exercise of a heated fancy; to maintain that sin cannot, *even for the time*, destroy in the elect the claim to celestial bliss; to assert, in direct opposition to the testimony of the Holy Scriptures — to the whole scheme of redemption, that some children are born in a state of grace, might astound us, if long experience of what human error is capable, had not pre-

pared us for any thing.— These points were not, and could not be, approved by the great body of the Lutherans. They merely concern the justification of man; on the nature of the eucharist, there was also some divergence between the two parties. On this subject, Calvin seems to have been unusually anxious. Luther had taught that the body and blood of Christ were really and substantially present ; Zwingle, that the elements were but a sign or token of Christ's presence, which must, therefore, be spiritual, and received by faith alone. Neither of these hypotheses satisfied Calvin, who, being actuated by the ambition of establishing a new church, resolved to substitute another definition. In the view of increasing that church at the expense of its contemporaries—of founding it on their ruins — he artfully combined the essential characteristics of the two, by asserting, with the Lutherans, that Christ's body and blood—not merely His merits—were actually present under the species of the bread and wine ; with Zwingle, that by faith only could we receive the body and blood, and become united with Christ. Hence as, contrary to the Roman catholic tenet, the bread and wine were allowed to remain, there was in the sacrament a thing celestial and a thing terrestrial. This, indeed, was the creed of Luther ; but Calvin differed from it in defining the *mode* of Christ's presence : it was a *virtual* presence, distinct from that admitted by most reformers, since it involved a mystery incomprehensible to the human understanding ; an astounding miracle, which faith only could receive. The body of Christ was always in heaven, and could not *in the same manner* be present on the altar ; nor could it be produced there by the words of the consecrating priest, or by the power of heaven itself ; the *virtue* only of the body was infused, at the moment of consecration, into the elements, and received by the faithful. Thus Christ was actually and substantially present ; but it was a presence by a miraculous communication from above,— the virtue,

the essence, of the body descending from heaven to mix with the elements, and the body itself remaining on high. The substance — the very flesh, the blood — was eaten by the communicant; but it was mysteriously become miraculously detached from the glorious body, which *totaliter et specialiter* remained in heaven. Thus the sun never leaves the firmament; yet its essence,— light and heat,— is communicated to us. How far the illustration may remove the difficulties of the subject, we leave to the reader. One thing is certain, that, with all his subtlety, the definition of the reformer is no less incomprehensible than the mystery; that he did not understand himself. It is, doubtless, owing to this circumstance, that his followers, the modern Calvinists, have evaded his exposition of the mystery. While professing to be governed by his authority, they have explained his strongest language relating to the substantial presence of Christ into mere words. They would, in fact, reject it, were it not too openly inculcated in his works, even in the Catechism which he drew up for the use of the young, to be thus summarily treated. They have preferred the wiser alternative of explaining away the more objectionable terms, and of suffering the tenet itself quietly to sink into oblivion. Whether some such disingenuous artifice may not have been employed in regard to a similar passage of our own Catechism; whether the words, "the body and blood of Christ, which are verily and indeed taken and received by the faithful in the Lord's Supper," have not been explained so as to mean nothing; we leave to the reader's reflection.\*

The object of the assembly at Naumburg was two-fold,— to reconcile the protestants with the Roman see, and to draw more closely the relaxed bond between the Lutherans and the Calvinists. The issue of the first we have already seen. The second seemed most

\* *Calvini Opera, præsertim Institutiones*, lib. iv., et *Opuscula* (in multis cisis). *Bossuet, Histoire des Variations*, liv. ix. •

likely to be attained, by procuring between the two parties unanimity in regard to the Confession of Augsburg ; of which, as there were several editions, differing more or less from each other, some one, it was hoped, might be found to merit the suffrages of both. It, too, was equally fruitless ; or, rather, it added tenfold to the animosity subsisting between them. Concerning that bstruse subject — the existence and extent of free will, and its co-operation with grace—the Lutherans, to disarm their opponents, went much further than their founder would have approved. They even acknowledged that, in the act of man's conversion, he is helpless “as a stone or clay ;” that he is perfectly passive, while receiving the uncontrollable impression from without. In this they were not more irrational than they were inconsistent with themselves, since, on former occasions, they had recognised in man an action of the will in combination with the influence of God's Spirit ; that the moment the influence was felt, the will surrendered itself to the impulse, and to a certain extent became a worker with the divine Spirit. Yet there were other occasions on which they had sanctioned the Calvinistic tenet before us,— for error is not very precise in its definitions. Again, in regard to the Lord's Supper, the protestant theologians and princes entertained different sentiments ; and though they were persuaded to concur in the Confession of Augsburg, on this, as on other points, the explanation which each gave to the controverted articles was often so diverse, that an open angry quarrel disgraced both parties. The Lutherans and Calvinists, however, agreed at this time on the fundamental article — that Christ was substantially present in the eucharist ; and though the latter would not believe that He was locally present, they were induced to join in the doctrine of ubiquity. By this it was declared that Christ was every where present — on the altar, no less than in the highest heaven. But philosophy must condemn this laxity of definition. To

constitute the presence, both natures, the divine and human, were necessary ; yet to invest the latter with ubiquity, was to invest it with divinity—to elevate the creature into the Creator. In short, the proceedings of the assembly presented the strange anomaly of condemning in the detail what had been approved in the gross ; of sacrificing principle to expediency. The result was what might have been anticipated : though a treaty of union and peace, called a book of concord, was signed by the two parties, their loud dissensions proved that futurity would exhibit little of either union or peace in relation to the two parties.\*

The reign of Ferdinand I. is remarkable for some other things.—1. The council of Trent finished its sittings, without touching most of the abuses of which Catholic Europe had so long complained. It did, however, remove some : by more accurately defining certain points of faith, it narrowed the bounds of superstition ; by condemning the excessive use of indulgences, it conferred a greater boon on the people ; by drawing closer the bonds of church discipline, it laid the foundation of clerical reform. Since this celebrated council, the conduct both of the popes and of the clergy has been such, as to entitle them to the respect even of their religious enemies. It may, however, be doubted whether this benefit is not rather the result of protestantism than of any direct legislation on the part of the fathers.

—2. The appearance in Germany of a new religious order — that of the Jesuits — well supplied the place of the old monastic orders, who were no longer distinguished for learning or zeal. These men, who were

\* Mosheim, *Historia Ecclesiastica*, cent. xvi. sect. iii. part 2. Arnoldus, *Historia Ecclesiastica*, lib. xvi. Schlusselburg, *Theologia Calvinistica*, passim. Hutterus, *Concordia Concordis*, cap. 1—8. Hospinianus, *Concordia Discors* (*varia locis*). Walchius, *Introductio in Libros Symbolicos*, lib. i. (*varia capitulis*). Chrytreaus, *Saxonia*, lib. 20. Thuanus, *Historia*, lib. 28. Maimbourg, *Histoire du Luthéranisme*, liv. 6. Pallavicini, *Historia Concil. Trid.* lib. xv. Bossuet, *Histoire des Variations*, lib. 8. Struvius, *Corpus Historiae*, p. 1132. Pfeffel, *Histoire*, A. D. 1561. Schmidt, *Histoire*, tom. viii. Dupin, *Historia Ecclesiastica*, cent. xvi. lib. 3. Putter, *Historical Development*, vol. ii. chap. 1. Coxe, *House of Austria*, vol. i. p. 592.

constituted to destroy error, and who, from the beginning, made themselves the blind instruments of the pope, succeeded, by their knowledge, their talents, their incessant activity, in arresting the progress of the reformed doctrines in several European countries. They were, in fact, crusaders against the protestant religion throughout Europe. Condemning, as we do, their career of intolerance, often of worldly ambition,—their power was soon unbounded in every catholic country,—we cannot refuse our admiration to men who, by their assiduous study, have conferred greater benefits on literature than any university in Europe; and who, by their burning zeal, have converted more pagans than all other missionaries put together.—3. For the preservation of internal peace, Ferdinand substituted *diets of deputation* for the general diets. They consisted of deputies returned from the several electorals and imperial cities, with the elector at their head. As, whenever the public peace was menaced, or new regulations were required for securing it, they were easily convoked, the innovation was certainly an improvement. With the same view, the powers of the military chief or colonel in each circle were enlarged; he was enabled to call out a greater levy of troops, in a less time.—4. The Aulic council was purged of its foreign advocates, and remodelled, so as better to suit the wants and wishes of the Germans. On the whole, Ferdinand may be regarded as one of the best sovereigns of the country. Though attached to his own religion, he tolerated the reformed even in his own hereditary dominions of Austria; and in his efforts alike for the reformation of his own church, and for the union of all religious parties, he showed an enlightened zeal for the best interests of society. That such a man should be beloved, need not surprise us. Hence he had little difficulty in procuring the election of his son Maximilian as king of the Romans. But the readiness with which the states entered in this respect into his wishes, must, doubtless,

be assigned to his dividing the hereditary domains of his house among his children and their posterity ; and, consequently, to his disarming the jealousy of the empire. That the king of Bohemia, the king of Hungary, the archduke of Austria, the duke of Styria, Carinthia, Carniola, the Tyrol, and other places, should, when elevated to the imperial throne, appear formidable to the patriotic Germans, was natural. In his eldest son, indeed, he secured the succession alike to the two kingdoms and the archduchy : but then Hungary was half in possession of a rival ; and neither it nor Bohemia was well affected to the house of Austria. To his second son, and the posterity of that son, he bequeathed the Tyrol, with the exterior provinces. The third had Carinthia, Styria, and Carniola.\*

MAXIMILIAN II. was worthy to succeed his able and patriotic father. — 1. In his policy as regarded the empire, it was his constant aim to preserve the religious peace, which was never more threatened than during his reign. Because he had so much attachment to the Lutheran doctrines as to receive the communion under both kinds, and detested persecution, though he remained in the bosom of the catholic church, he had great personal influence with both parties. Listening with patience to the complaints of both, and being able to show both that they were wrong, — the Roman catholics in seeking to persecute the Lutherans of their states, the Lutherans in clamouring for the abolition of the ecclesiastical reservation, — he persuaded them, for the common good, to refrain from open hostility. He even protected the Calvinists, who were hated by the Lutherans even more than by the Roman catholics, so far as to prevail on his own brethren not to join in the persecution. Frederic III., elector palatine, had quitted Lutheranism for Calvinism ; and so, by the compact concluded between the catholics and the followers

\* Founded on the contemporary histories of Ferdinand I.

of Luther, had forfeited all claim to toleration. Both called for his deposition ; but he was a powerful prince ; he had all his co-religionists throughout Europe at his disposal ; and his valour was celebrated. Knowing that a civil war might even wrap Europe in flames, Maximilian, by detaching the catholics from the confederacy, left the odium of the persecution to the Lutherans alone ; and they, fearful alike of the imputation and of the consequences of weakening the protestant cause, reluctantly consented to remain at peace. Yet these were the men who had so lately concluded the concord at Naumberg with the Calvinists ! However, by his firmness, the religious peace remained unimpaired to his death. Had his representations, indeed, to the papal see, obtained the attention which they deserved, he would have effected more in this respect than any of his predecessors. By several popes, the use of the cup had been granted to the Bohemians, the Austrians, and such of the Germans as insisted on it. He besought the pope to proceed a step further, — to concede the power of marrying to the clergy, — and asserted that, by this judicious concession, the catholic church would be more benefited, and the Lutheran more injured, than by all other measures. This, he contended, was a mere matter of discipline which did not in the slightest degree affect the tenets of the church. But Paul V. was inexorable : indeed, he had not power to make the concession required ; and he had no wish to call another grand council so soon after that of Trent had recorded its solemn approbation of clerical continency. If, however, in this respect, Paul was justifiable, in others he was haughty, morose, and inaccessible to reason. He would not hear of any attempt to unite the two parties : all that remained, he observed, for the protestants, was unconditional submission to the decrees of the late council : he severely condemned every effort to conciliate them ; and threatened the emperor with deposition, if he ventured, like Charles

V., to sit in judgment on matters of faith or discipline. Maximilian was even required to revoke the toleration which he had granted to his subjects of Bohemia and Austria ; but he evaded compliance, and by so doing secured himself a tranquil and happy reign. Once, indeed, the public peace was in danger of being disturbed, but not by religious feuds. William de Grumbach, one of the free nobles of Franconia, procured the assassination of Melchior bishop of Wurtzburg ; besieged the city ; forced the chapter to capitulate ; and, to escape punishment, prevailed on John Frederic duke of Gotha to give him an asylum. Grumbach, the duke, and all their adherents, who were preparing to sustain their rebellion, were placed under the ban of the empire : the execution of the decree was entrusted to the elector of Saxony : Gotha was taken ; the dethroned prince confined for life to an Austrian prison ; and Grumbach, with the more active accomplices, was put to death. The celerity with which this private war was quelled, was owing to the efficiency and prompt resolution of the diet of deputation, — an institution owing, as we have before observed, to the father of Maximilian.—2. The public tranquillity was disturbed in Hungary only. John Sigismund still contended for the crown ; and, aided by his constant allies the Turks, whom he thus criminally introduced into the kingdom, he was enabled to maintain his ground. When Maximilian ascended the throne, the aspect of affairs in the East was lowering. Solyman was arming with the resolution of subjugating the whole country to the very gates of Vienna. But his mighty preparations ended in nothing : before a little fortress he lost 20,000 men ; and anxiety, fatigue, no less than the pestilential marshes, soon brought him to the grave. Selim, who succeeded, being anxious to turn the Mohammedan arms against Cyprus, concluded a truce with the emperor ; though John Sigismund refused to be comprehended in it, the successes of Maximilian soon compelled

him to sue for peace. He retained the principality of Transylvania, but renounced the regal title to Hungary. His death, in 1571, opened the way for the aspiring ambition of Stephen Battori, who had been the minister and general of John Sigismund, and who was now recognised as prince of Transylvania. Stephen, however, laid no claim to Hungary ; so that tranquillity was preserved during the remainder of Maximilian's reign. But in regard to the crown of Poland, to which both were elected by different parties, the public peace was again endangered. Had he immediately hastened to Poland, the crown would certainly have been his : but his delays affording his more active rival time to hasten thither, Battori was proclaimed, and fully established. The emperor, indeed, would have appealed to arms against one whom he stigmatised — perhaps justly — as a vassal of the Turks, had not death surprised him in the midst of his preparations.—Maximilian was a great prince, a Christian, philosopher, scholar, and patriot. He had the rare good fortune of being praised by catholic and protestant, by Austrian and Bohemian, by German and Hungarian. His character was well described by the Bohemian ambassadors to Poland : “ We Bohemians are as happy under his government as if he were our father : our privileges, our laws, our rights, liberties, and usages, are protected, maintained, defended, and confirmed. No less just than wise, he confers the offices and dignities of the kingdom only on natives of rank ; and he is not influenced by favour or artifice. He introduces no innovations contrary to our immunities ; and when the great expenses which he incurs for the good of Christendom render contributions necessary, he levies them without violence, and with the approbation of the states. But what may almost be considered a miracle, is the prudence and impartiality of his conduct towards persons of a different faith ; always recommending union, concord, peace, toleration, and mutual regard. He listens even to the

meanest of his subjects, readily receives their petitions, and renders impartial justice to all." That such a prince should have little difficulty in procuring the election of his son Rodolf as king of the Romans, was to be expected.\*

RODOLF II. ascended the throne under the most <sup>1567</sup> favourable circumstances. The wise administration of <sup>to</sup> his immediate predecessor had attached the whole <sup>1612.</sup> empire to his house ; that house was exceedingly popular in Bohemia : it held most of Hungary ; Lutheran and catholic, before so ready to quarrel, were reconciled to toleration ; and the imperial authority was regarded by both as the only means of preserving the public peace, and of resisting the tide of invasion from the East. Yet, with all these advantages, few reigns have been more unfortunate. A bigot by education and sentiment, he had neither the power nor the wish to conciliate the protestants : hence the religious animosities which distracted the empire, and which laid the foundation of the disasters that happened in the succeeding reign. Governed by favourites, he had no judgment of his own. Without judgment, without firmness, without any defined system, he was assuredly not the sovereign adapted for this turbulent country, at a time when two fearful principles were struggling for the supremacy. The first efforts of his intolerance were felt in his hereditary states of Austria, where he prohibited, by degrees, the *public* exercise of the protestant religion. It is, however, acknowledged by his religious opponents, that he had some ground for this severity ; since the burghers of Vienna and other towns who were of the new church, were become numerically stronger than even the catholics, and, in the consciousness of this fact, were beginning to persecute the ad-

\* Struvius, *Corpus Historiae*, p. 1157—1156. Chrytraeus, *Saxonia*, lib. 20, 21, 22, 23. Thuanus, *Historia sui Temporis*, lib. 36—40. Flechier, *Vie du Cardinal Commendon*, liv. 4. Baro de Polheim, *Oratio de Maximiliano II. Pfeffel*, *Histoire d'Allemagne*, tom. ii. (sub annis). Schmidt, *Histoire*, tom. viii. liv. 11. Coxe, *House of Austria*, vol i. chap. 36, 37, 38, 39.

herents of the ancient faith. When restrictions were imposed on them, they broke out into open insurrection ; but as they were speedily reduced, they were naturally treated with greater rigour. The inveterate hatred which now distinguished the reformers themselves, which placed the disciple of Luther in open hostility with the follower of Calvin, afforded Rodolf the prospect of weakening and ultimately of subjugating both. At this day, when the mild influence of toleration has smothered the rugged features of sectarian zeal, we do not always form an adequate idea of these dissensions. The same province often exhibited two successive protestant rulers dissimilar in creed, and each resolved to secure the preponderance of his own creed by the extirpation of its rival. Thus, in the palatinate, Frederic III. was a rigid Calvinist, and, like every other person of that persuasion, intolerant : by force he introduced the Genevan creed, and allowed no liberty of public worship to the Lutherans. His son Ludovic, who was no less attached to the doctrines of Luther, banished the Calvinistic preachers, and fully restored the Lutheran worship as settled by the Confession of Augsburg. After the death of Ludovic, during the minority of his son Frederic IV., John Casimir, the nearest agnate on whom devolved the regency, again expelled the Lutherans, and reinstated the Calvinists. In Saxony, the case was nearly the same ; and in other parts of the empire, especially in the imperial cities, the same alternations of triumph and expulsion befel the two creeds. No one thought of toleration, which, in the vocabulary of the day, meant indifference. The evil, however, was felt by a few, who, content to sacrifice zeal to policy, introduced another Book of Concord, which by allowing a comfortable latitude wherever the two religions diverged—in other words, by explaining entirely away the meaning of words—might, it was hoped, prevent an open war between them. As usual, it was ridiculed by the bigots, who contributed the most

numerous portion of both, and who not unjustly termed it the Book of Discord. John Casimir, the administrator of the palatinate, refused to receive it; and thereby placed himself in open collision with Augustus of Saxony and John George of Brandenburg, the two great supports of the Lutheran cause. The protestants being thus divided, Rodolf proceeded to derive what advantage he could from the schism. If he persecuted the one party, he well knew the other would applaud him. Hence he directed his Aulic council, consisting wholly of catholics, to take cognizance of the affairs which, properly speaking, belonged to the resort of the imperial chamber, containing an equal number of protestant and catholic members. The consequence was a vexatious course of annoyance, which called forth the indignation of the reformers: wherever favour could be shown to the catholic party in a suit, it was shown. Yet in many instances the court was only executing due justice. Ever since the treaty of Passau, the more violent of the protestants had been violating the Ecclesiastical Reservation\*, and, consequently, filling the high offices of the church with dignitaries of their own persuasion, even where the majority of the chapter adhered to the Roman catholic faith. On the whole, however, the protestants had reason to complain; so that we need not wonder at their frequent remonstrances before emperor and diet; nor, when these failed of effect, that they should unite for the support of their religious rights. But in these times there was no medium: from self-defence, they passed to every species of annoyance; nor, in their fierce burning enthusiasm, did

\* We have before explained this word; but to avoid perpetual reference we repeat, that in the diet of 1555, while the property which had been stolen from the church was secured to the protestant possessors, and while the protestant ecclesiastical dignitaries were recognised, it was decreed, that if any catholic archbishop, bishop, abbot, or other dignitary, should enter the reformed communion, the chapter still remaining catholic, the convert should forfeit his dignity and possessions, and the chapter should proceed to a new election. What could be more reasonable? The protestants, however, resisted this Reservation on every occasion, and often expected the chapter to make room for members of their own creed.

they pay the slightest attention to their duties as citizens or as reasonable men. When supplies were demanded for the war against the Turks, who were thundering on the frontier, they were sullenly refused: nay, even the reformation of the calendar by Gregory XIII., — one of the greatest boons astronomical science ever presented to mankind,—was equally scouted, on the principle that every thing emanating from Rome was accursed; and though the catholic states successively adopted the new computation, the protestant, with characteristic pertinacity, adhered to the old one, monstrously erroneous as they knew it to be, down to the opening of the eighteenth century.\* Nor did their criminal folly end here. Apprehensive lest they should be unable to withstand the Roman catholic states, sustained as the latter would probably be by the Spanish branch of the Austrian house, they placed a stranger, Henry IV. of France, at the head of their confederation, and instigated their brethren in Austria and the Low Countries to rise against their respective governments. On the other hand, Rodolf persevered in his impolitic course of exasperating, instead of conciliating, the dissentists. In Austria, Bohemia, and Hungary, where his direct authority was most felt, numerous insurrections attested the bigotry of his measures. In the same spirit the ban, of the empire was thrown on Aix-la-Chapelle and Donawerth,—cities, however, which had certainly merited some punishment by their persecution of the Roman catholics. The consequence was an enlargement of the confederation of Heidelberg; many protestant states, which had hitherto stood aloof, sending their deputies to the assembly. Their avowed objects were to resist the enemies of their religion; never to acknowledge the jurisdiction of the Aulic council; never

\* In the same spirit, England rejected the Gregorian calendar, and adhered to the old one, until 1751. She was the last European country, Sweden and Russia excepted, which suffered a blind malignity to reject the services of science. Sweden changed in 1753; Russia will probably persevere in the old style some centuries longer.

to pay their respective contributions to the imperial treasury, unless their grievances were redressed ; and to destroy every prince or city that should abandon the common cause. At the same time the contingent of troops to be furnished by each state was settled, and generals were appointed. In self-defence, or probably from a similar desire of aggression, the catholic states also entered into a league, of which the duke of Bavaria was declared the chief, just as the elector palatine — for the elector of Saxony, the personal friend of the emperor, constantly refused to join the Evangelical Union, — was the acknowledged head of the protestants. Such was the lamentable aspect of affairs purely religious : the civil were scarcely more promising. One of his decisions respecting the right of succession, though founded on the public law of the empire, gave dissatisfaction to many, and led to disasters which no man could have foreseen. On the death of the duke of Juliers, Cleves, and Berg, without issue, the succession was claimed by many kinsmen. Among them were the electors of Saxony and Brandenburg, and the count palatine of Neuburg, all protestants. Rodolf leaned to the elector of Saxony, whose claims he engaged to support ; but until a legal decision could be pronounced by his Aulic council, he placed the three duchies under sequestration. It may, however, be doubted whether the Aulic council was the legitimate tribunal for such a case, which rather belonged to the imperial chamber. But this chamber had of late years greatly declined.

" A circumstance which gave the imperial chamber, during this reign, an irrecoverable blow, was the neglect of the annual visitation. According to the former institution, there were always seven imperial states, in the order in which they had their seat and voice at the diet, appointed for that purpose. Among these there were generally more catholics than protestants ; and the latter when they found themselves aggrieved by a partial majority, could gain no redress. Thus, in the year 1587, at the visitation and revision, there were five catholic states and only two protestant ones ; viz. the electors of Mentz and Saxony, Salzburg, duke John Casimir of

Saxony, the prelates, Swabian counts, and the imperial city of Cologne : of these, only the two voices of the house of Saxony were on the protestant side. At the visitation in the year 1588, were the following voices, as they were delivered in the respective places at the diet ; viz. the electors of Mentz and Brandenburg, Magdeburg, the margrave George Frederic of Brandenburg, the prelates, the counts of Wetteravia, and the imperial city of Ratisbon. Here the case was quite the reverse ; the elector of Mentz and the vote of the prelates happened to be the only catholic votes, the other five were protestant. To prevent this majority of votes, which was now in favour of the protestants, from having its natural effect, the visitation was discontinued ; and thus this admirable institution was put a stop to for a prodigious length of time. The imperial chamber, therefore, of course declined ; which tended as much to lessen the emperor's authority, as it was prejudicial to those parties whose causes were then depending."

In revenge, the elector of Brandenburg and the count palatine of Neuburg agreed to seize the administration, to hold it conjointly, and defend the usurpation against every gainsayer. This agreement, which was called the treaty of Dortmund, was necessarily annulled by the emperor, who despatched his kinsman, the archduke Leopold, to assume the administration until judgment were pronounced. By this latter act, the reformed princes pretended to discover that Rodolf, aided by the Spanish count, was resolved that these provinces should not be held by a protestant ; that, in fact, they should be incorporated with the possessions of his own house. That this was merely a pretence, is clear from the engagement into which he had entered with the elector of Saxony, on whom, indeed, he had conferred the contested investiture. Yet they made the question one of religion, and applied for aid to Henry IV. of France, — a prince ever ready to interfere in the civil broils of Germany, with the view of extending its frontier to the Rhine. The united provinces, always disposed to annoy the house of Austria, joined the confederate princes. What might have been the result, had not Henry IV. been assassinated just as he was ready to pour his troops across the frontier, cannot be

determined. The French and Dutch, indeed, furnished a few troops; but after some partial ravages, both parties agreed to suspend hostilities,—not until judgment should be given, but until they could make preparations for a decisive conflict.—Well might Rodolf lament the utter contempt in which his authority was held; but his chief mortifications are yet to be mentioned. His intolerance on the one hand, his pusillanimity on the other, successively wrested from him the greater portion of his states; and would have deprived him even of the imperial dignity, had his life been prolonged. As he had no issue, the presumptive heir of those states was his brother Matthias, whom he constituted governor of Austria and of Hungary. Perceiving the detestation in which the emperor was held, conscious of his own talents, which had been shown in several actions against the Turks, and led by ambition, the archduke began to cultivate the good will of the protestants, whom he favoured alike in Hungary and Austria, and of the natives in general, for whose privileges he testified unusual respect. By intrigues, and bribes, and promises, by persuasive eloquence, or by open force, he induced the states of Austria, Hungary, Moravia, and Bohemia, to join him in securing what he called the public weal. Notwithstanding the resistance of the emperor, which was too tardy to be availing, he obtained the throne of Hungary, with the eventual succession to that of Bohemia, and, indeed, to all the possessions of his house. By removing the grievances under which the protestants laboured, Matthias established his authority in Hungary and Austria; and before Rodolf's death, entered on the actual government of Bohemia. For the astonishing success of this rebellion, the ill qualities of the emperor will not sufficiently account. He was, in addition, assisted both with money and troops by the protestant states of Germany. They espoused his cause, both from the privileges he had conceded to their co-religionists, and from the known desire of Rodolf to

substitute the archduke Leopold as heir to one portion at least of the Austrian states. Leopold, though a prelate, had been encouraged to aim at the government of Bohemia; and had he been as cordially assisted by the catholics, as Matthias was by the protestants, the triumph of the latter would have been doubtful. Rudolf did not long survive the rejoicings attending the coronation of Matthias at Prague. A sombre melancholy, which rendered life wearisome, had long afflicted him, and brought him to his grave in the thirty-sixth year of his disastrous reign.\*

1612 MATTHIAS, king of Hungary and Bohemia, had little difficulty in procuring the suffrages of the electors for  
 1619. the imperial crown. As, however, no king of the Romans had been elected during the preceding reign, there was a short interregnum, which, in the agitated state of the times, was remarkable for one circumstance. The vicariat of the empire, or hereditary dignity, devolved on two protestants: the one, the elector of Saxony, a Lutheran; the other, the count palatine, duke of Neuberg, a Calvinist. To these men the catholic states refused obedience; and it consequently became necessary to choose a sovereign with the least possible delay.—The reign of Matthias exhibits the same animosity on the part of the religious rivals, as had disgraced that of his predecessor. The affair of the three duchies, which was originally a civil, but which the passions had turned into a religious question, alike continued to harass the court and country. The elector of Saxony, who had witnessed the usurpation of all three, obtained from the present emperor the confirmation of his claim; but rather a claim of participation, than of sole administration. The two princes, however, who were in actual possession of the greater portion, refused to surrender it,

\* Struvius, *Corpus Historiæ*, pars x. sect. 7. Pfeffel, *Histoire* (sub annis). Putter, *Historical Developement*, vol. ii. Coxe, *House of Austria*, chap. 40—44. Mosheim, *Historia Ecclesiastica*, cent. xvi. et xvii. passim. Thuanus, *Historia sui Temporis*, lib. 60—138. Chryträi *Saxonia*, lib. 24—30; neconon *Cogitatio ejus*, p. 1—178. Schmidt, *Histoire*, tom. viii. Russell, *History of Modern Europe*, vol. ii. Barre, *Histoire de l'Empire*, tom. ix.

or to admit him into the government of these provinces. With the view of uniting two, at least, of the concurrent claimants, a marriage was contracted between the count palatine (the duke of Neuberg) and the daughter of the elector of Brandenburg. But one day, while over their cups, the latter gave his intended son-in-law a sound box on the ear; the duke, in revenge, joined the catholic church and league, and married the daughter of the Bavarian duke. Thus, affairs were complicated, and religious animosity increased, worse than before. The French and Dutch had before advanced to assist the protestant claimants: the Spaniards were now introduced to support the new convert. With the same policy, the elector of Brandenburg forsook Lutheranism for Calvinism, and obtained the aid of the Dutch under the prince of Orange. Whoever reads with attention the transactions of this period, must perceive that worldly views were more powerful than religious considerations with the leaders on both sides. The imperial court was not likely to regard with much favour men who, on every occasion, refused the supplies necessary for the defence of the empire, and for the internal administration. Hence the rigour with which the Aulic council acted towards such of the dissidents as were compelled to bring their causes before it. But the Evangelical Union gradually acquired strength. In 1614, it hoped to acquire more by the marriage of its youthful head, Frederic V., elector palatine, with Elizabeth, daughter of James I. It could not foresee that this very prince would do more to injure the protestant cause, than the bitterest of its enemies. In Bohemia, the year preceding the death of Matthias, religious hatred burnt more fiercely than ever. The archbishop of Prague, and another dignitary, incensed that the dissidents should continue to build conventicles on their own domains, demolished a few. Instantly the latter were in arms; and though the conduct of the two ecclesiastics was approved by the emperor, and by Ferdinand who had just been elected king of the Romans, and crowned king of

Bohemia (Matthias had no issue), they were not discouraged: they were formidable in the kingdom, and they were sure of support from the protestant rulers of the empire, and of the Low Countries. One of their first objects was characteristic of Bohemians, — to hurl the royal governor of Prague, and his secretary, from the windows of the municipal hall. To this violence they were led by count Thorn — a protestant, a man of great ambition, and who had to revenge his dismissal by the court, from a distinguished civil office. Though Matthias promised ample toleration, and, indeed, a redress of many other grievances, they would not be pacified. Moreover, Silesia and Upper Austria joined its dissidents to them; the Evangelical Union of Halle sent troops; and the war became general, though desultory. In virtue of his recent alliance, the rash and inexperienced elector palatine aimed at the Bohemian crown, and was secretly assured of aid from the princes of the Union. Hostilities raged on every side: nor could they be suppressed by the emperor, who, though mild, was unpopular; or by Ferdinand, who, though king of Hungary no less than of Bohemia, could not bring a force of any amount into the field. In this posture of affairs, Matthias died, — an event not likely to restore tranquillity, as the king of the Romans was perfectly detested by the protestant party. The causes of the thirty years' war, — one of the most disastrous that ever afflicted a country, — were in full operation. A contest of principles no less than of personal ambition was about to commence, — one which shook Europe to its extremities, and must be remembered so long as books remain to record it.\*

1619      FERDINAND II.—Six months of an interregnum between the death of Matthias and the election of a successor, were, in the actual position of affairs, sure to be disastrous. In the first place, the states of Bohemia, contending that Ferdinand had broken his compact

\* Schmidt, *Histoire*, tom. ix. Fléeffel, *Histoire*, tom. ii. (sub annis). Barre, *Histoire*, tom. six. Coxe, *House of Austria*, vol. i. chap. 45. Struvius, *Corpus Historiæ*, pars x. sect. 8. Puffendorf, *Historia Rerum Suecicarum*, lib. i.

with them, declared the throne vacant. All Bohemia, except one fortress, was soon in possession of the insurgents, of whom all were dissidents: in fact, three fourths of the kingdom were said, at this time, to favour some sect of the reformation. Moravia and Silesia were equally firm in the new faith, and in the resolution of establishing the liberties of the country on some better foundation than a tyrant's will. Upper Austria, which had as many discontented inhabitants as there were dissidents, received count Thorn with applause. Vienna itself, where the king then was, was invested by the insurgents; who threatened to execute his ministers, to confine him within the walls of a monastery, and to educate his children in the protestant faith. Fortunately he was relieved from his perilous situation by the unexpected arrival of a partisan, and the siege was raised. Of this circumstance he took advantage, by hastening into Germany to claim the imperial crown; which, he hoped, would so far augment his influence as to enable him to triumph over his rebellious subjects. In this object, from the known aversion of the protestants towards him, he was sure to encounter opposition: but what rendered him unpopular with the one party, was a recommendation to the favour of the other; so that, as the catholic electors were numerically the stronger, he succeeded. But this circumstance in no degree daunted the views of the insurgents: it rather added to their fury. In Bohemia, the states put the seal to their disloyalty by electing the count palatine Frederic V. Nor was the act less foolish than disloyal, since this vain, weak, and, as the result proved, cowardly prince, had no talents for the station. It was, indeed, expected that, by the aid of his father-in-law, James I. of England, of his relation the prince of Orange, and other protestant rulers, he should be able to withstand his enemies; but no hope was ever more unfounded. James had too much respect for the authority of kings, to encourage rebellion, even in the husband of his daughter; and he earnestly attempted to dissuade Frederic from an

enterprise which he was resolved not to support. The prince of Orange was too much occupied with nearer enemies, to have leisure for a religious crusade ; and the protestant princes of the empire would have been unable to contend with the catholic, even had the most powerful of them, the elector of Saxony, not been the ally of Bavaria and the imperial house. Frederic accepted the offer of the Bohemians, and hastened with his equally vain consort — the cause of his future woes — to consult with his Calvinistic clergy on the means of defending the kingdom. The result was such as required little prophecy to foresee. Though he was received with open arms by the dissidents ; though he found that most of Hungary, instigated by the same restless spirit, had thrown off the yoke of Ferdinand, and entered into an alliance with Bothlehem Gaber, prince of Transylvania ; though the Austrian states were again overrun by the protestant generals ; and the Evangelical Union, as it modestly termed itself, refused any succours to the emperor, who was insultingly advised to make peace with the new Bohemian king ; he was little able to contend with a prince so constant in adversity, so persevering in purpose, so fertile in resources, as the head of the Austrian house. He was abandoned by the members of the Union, who were persuaded or forced to remain neutral during the struggle ; and though he had still the numerical superiority, he contrived to disgust both his catholic and his Lutheran subjects by his Calvinistic fanaticism, and to render all but a desperate sect lukewarm in his cause. In a few days, he was expelled from a kingdom which he had not courage to defend, or wisdom to conciliate. Never was defeat or flight more inglorious. This royal puppet had the mortification to find his hereditary state occupied by the Bavarian and imperial troops ; nor could he find any place of safety until he reached the Low Countries. This unexpected success — for which Ferdinand was chiefly indebted to the extraordinary abilities of the count de Tilly — was the prelude to others of even

greater brilliancy. But his first care was to chastise Bohemia, which lay suppliant at his feet ; and he suffered no considerations of justice, still less of mercy, to arrest the rod. By one sweeping decree, seven hundred of the noblest families were proscribed ; and though their lives were reluctantly spared, their estates were confiscated. Hungary was soon forced to yield,—Gaber suing for peace, which he obtained on favourable conditions. The ban of the empire was now published against Frederic and his chief adherents ; the palatinate was divided among the catholic princes ; and the electoral dignity, from time immemorial attached to it, was invested in the duchy of Bavaria,—a measure which, by increasing the number of catholic votes in the electoral college, was as politic as it was revengeful. In consternation at the triumph of their opponents, the protestant states of Lower Saxony began to draw closer the relaxed bonds of their union, and to importune for aid the kings of England, Sweden, and Denmark. Ambition, rather than love of religion, induced Christian IV. to arm, and place himself at the head of the confederates, whose ranks were increased by some English, Scotch, and Dutch adventurers. To oppose him, Ferdinand sent two men who may be safely ranked among the ablest generals of the seventeenth century—Tilly and Waldstein ; men whom merit alone raised from humble fortunes to the very summit of glory. In two campaigns the protestant states were subdued ; and the Danish king was not only expelled from the empire, but taught to tremble for his hereditary dominions, until the treaty of Lubec (1629) restored peace between the two parties. For the successes of Ferdinand during these campaigns, we may easily account. Never before had the catholic party been so unanimous in sustaining the head of the empire. Beholding their religion proscribed in some provinces, barely tolerated in others, and menaced in all, they did, on this occasion, yield a support as cordial as it was extensive. Add the influence of bribes and promises, especially the prospect of sharing the spoils of the defeated

protestants ; the daring assaults, the consummate ability, of the two generals, Tilly and Waldstein ; the aid of money and troops from Spain and Italy ; and this success will cease to surprise us. Unfortunately, if Ferdinand was great in adversity, he was overbearing in prosperity. Unawed, after the retreat of Christian, by a single enemy sufficiently powerful to resist him, he abolished the exercise of the protestant religion in Bohemia ; exiled or put to death the more influential dissidents ; and forced the common people to change their faith ; while the substance of all lay at his mercy. Above 30,000 families, comprising the most laborious and useful of the population, preferring their consciences to their country and friends, sought refuge in the protestant states. These vindictive measures inflicted on the kingdom a blow from which it has never recovered. Emboldened by the facility with which his atrocious decrees were carried into execution, his next design was to extirpate the protestant religion from other parts of Germany. But as great caution was here necessary, he began by insisting on the restitution of such ecclesiastical property as the protestants had usurped since the peace of Passau,—a measure in which he expected the cordial support of the catholics. And by dividing the protestant body, to weaken it still more, he called for the execution of the act which allowed to the members of the Augsburg Confession *only*, the rights of toleration ; and which, consequently, condemned the Calvinists to apostasy or exile. The first decree was generally enforced ; the protestant princes being compelled, in a majority of cases, to resign their usurped lands and revenues to the monastic and collegiate bodies, the former owners. But the jealousy of the catholics themselves saved its entire execution. Contemplating the rising power of their emperor, the strict union which reigned between the Spanish and German branches of the Austrian house, and a late edict by which the elective privilege in Bohemia had been abolished, they began to be alarmed for their own civil privileges. That house

had once threatened, and apparently now intended, to make them as dependent on the sovereign power, as the grandees of Spain. Esteeming heresy as an evil far more tolerable than degradation, and feeling, no doubt, that they too were fattening on the spoils of the church, — let not the protestants be regarded as the sole, but merely as the chief plunderers, — they secretly persuaded the protestants to resist the further execution of the decree. Hence the strong language of the diet at Ratisbon, which, in reply to his request that his son Maximilian might be elected king of the Romans, insisted on the reduction of his vast army, and on the dismissal of Waldstein, its renowned general. For this unexpected union of the catholics and protestants,—nay, for the junction of the former with the latter, in exclaiming against the Edict of Restitution,—other reasons than jealousy of the imperial authority might be assigned. Both hated Waldstein : first, because he was an upstart; and, secondly, because his troops were committing the most horrible excesses wherever they were quartered. Many among both were gained by the money or intrigues of France, which, constant in its enmity to the house of Austria, seized every opportunity of exciting the German states to rebel. The tone of the protestants was further emboldened by the news, that Gustavus Adolphus king of Sweden, whom their own entreaties, and the intrigues of France, had filled with the ambition of becoming the head of the reformed league, was preparing to invade the empire. Gustavus had, indeed, personal wrongs to revenge. His relation, Sigismund of Poland, with whom he had been at war for the throne of Sweden, had always received support from the head of the Austrian house ; and his claim to some districts on the southern shores of the Baltic was disputed alike by Poland and the states. Add to these considerations, the fame which he enjoyed as a hero : he had forced Denmark and Russia to make peace, and had over-run some of the maritime provinces of Poland, of which he now held possession. Inspired by hopes

which, however ardent, were scarcely romantic, he disembarked in Pomerania; forced the electors of Brandenburg and Saxony, whom jealousy or separate interests held aloof from the protestant association, to support it; concluded a treaty of alliance with France; and thus entered on a career destined to be for ever memorable in the annals of Germany, and, indeed, of Europe. As the transactions of this period have occupied a thousand pens, and as the celebrated history of Schiller is a household book, we may well omit them. Suffice it to observe, that success, though with some occasional checks, long declared for the protestants; that Gustavus penetrated into the very heart of the Austrian states,—of Bohemia and Bavaria; that he humbled, one by one, the catholic electors, thus laying the empire at his feet; that Tilly, the most renowned general of Ferdinand— one well able to cope with the Swedish hero—fell in battle; that his place, however, was efficiently supplied by Waldstein,—a less consummate general, indeed, but, if possible, of superior daring, and certainly above him in the native resources of genius; that, at the great battle of Lutzen (1632), the Swedish hero died in the arms of victory; that, though he left his kingdom exposed to the troubles of a minority—his daughter Christina being only in her seventh year—the war was vigorously prosecuted by the regent Oxenstiern; that, though Waldstein was assassinated at the instigation of Ferdinand, whom his arrogance had offended, and who was jealous of his views, the catholic party, like the protestant, would not allow the loss of its military head to suspend hostilities; that the policy of Ferdinand was sufficient to sow jealousy and dissension among the reformed princes; that the victory gained by the imperial general at Nordlingen counterbalanced all the prior advantages of the protestants, equaling in brilliancy the glorious deeds of Gustavus; that this general, the archduke Ferdinand, eldest son of the emperor, who had been crowned king of Hungary and Bohemia, pursued the advantage; that, in 1635, the elector of Saxony, in

a treaty at Prague, was reconciled to the emperor ; that the junction of the imperial and Saxon troops against the Swedes and the protestant states of the empire gave a preponderance to the cause, which no efforts of the reformed league, aided by the intrigues of England, Holland, and France, was able to counteract ; that all the members, except the landgrave of Hesse-Cassel, convinced of the fruitlessness of resistance, adhered, one by one, to the pacification of Prague—thus engaging to expel the Swedes, to whom they were indebted for their restoration to their civil privileges ; and that when Ferdinand died, in 1637, two months after witnessing the election and coronation of his son as king of the Romans, he had the satisfaction to know, that none but foreigners—the Swedes and their allies the French—were seriously intent on perpetuating the troubles of the realm. It must yet be observed, that this treaty of Prague was not calculated to ensure a lasting peace. It did not settle the everlasting disputes consequent on the reformation : it merely stipulated, that while the protestant princes should retain, *jure proprietario*, the church lands which had been secularised previous to the treaty of Passau in 1552, and while they should possess during forty years those which they had subsequently usurped, the fate of the latter species of benefices should be decided according to their individual merits, either by arbitration, or by the ordinary tribunals of justice. If these conditions were acceptable to the elector of Saxony, whom the cession of Lusatia bound to the imperial will, they did not satisfy the reformers, who were at a loss to conceive by what authority he thus negotiated for the whole body, and who censured him for abandoning the interests of the count palatine. All, however, who had shared in the troubles of Bohemia—especially its vain and worthless puppet king—were justly excluded from the benefit of this treaty ; and instead of blaming, we should praise the elector, for insisting on any advantage in favour of his co-religionists, when the chief design of the pacification regarded his own house.—Of

Ferdinand II. we have only to add, that, if he was a cruel bigot; if he was sometimes perfidious, — witness his connivance at the assassination of Waldstein, — he was generally swayed by conscientious motives, was regular in his habits, pure in his morals, constant in adversity, persevering in every purpose, comprehensive in his views, just, liberal, and, whenever his religious prejudices were not concerned, merciful. Had he been less subservient to mistaken notions of religious duty, he would have been every way worthy of the throne; for his was an imperial mind. By his abilities and genius, he caused his authority to be much respected: yet, from the very terms of his capitulation with the electors, he had no peculiar advantages; nor was the imperial power less circumscribed by compact than it had ever been. Without the consent of the electors, he could not make alliances, nor alienate domains, nor revoke alienations before made, nor declare war, nor employ the German forces beyond the bounds of the empire, nor levy contributions even when the urgency of the affair forbade the assembling of a diet, nor convoke diets, nor publish the ban, nor confer open fiefs, nor grant either expectatives or the right to coin money. The consent of the states, as well as that of the electors, was required for the imposition of new taxes, and even the restoration of former ones; for the graduation of the contributions, for the establishment of monitory laws, and of commercial regulations, for the declaration of war, and the conclusion of peace. It is, therefore, evident, that the prerogatives of Ferdinand were exceedingly bounded; but his personal character enabled him to obtain an ascendancy denied him by the constitution.\*

1637 FERDINAND III., king of Bohemia and of Hungary, to succeeded, in virtue of his election as king of the Ro-  
1648.

\* Puffendorf, *Rerum Suecarum*, lib. i. Struvius, *Corpus Historiae Germ.* p. 1212—1303. Pfeffel, *Histoire*, tom. ii. Barre, *Histoire de l'Empire*, tom. ix. Denina, *Delle Rivoluzioni della Germania*, tom. v. (*variiis capitulis*). Schiller, *Histoire de la Guerre de Trente Ans*, p. 1—200. *Histoire de Gustave Adolphe*, tom. i.—iv., *passim*. Schmidt, *Histoire*, tom. ix. et x. Hohenboller, *Annales Ferdinandi II.* (sub annis). Coxe, *House of Austria*, chap. 47—56.

mans, to the imperial throne without opposition. He found the Swedes and French still in possession of several important cities of Saxony, and preparing for a vigorous campaign. As he, on his side, was bound alike by duty and interest to follow the policy of his father, he collected all the revenues which his station and circumstances afforded him. The war was accordingly renewed with fury, but nothing decisive for either party was the result : if to-day one prince was seduced from his allegiance to the head of the state, on the next the paternal admonitions of the emperor recalled him from his wanderings : if victory was gained one day by the combined Swedes and French, assisted by the open or secret wishes of some protestant states, it was neutralised on another by an equally signal advantage to the imperial troops. But this harassing warfare was severely felt by Germany. The excesses committed on every side by restless and ferocious bodies of foreigners, and even by the natives, destroyed all social security, and made even humble individuals tremble for their persons no less than for their substance. The whole people began to perceive, that if foreign interests gained by the continuance of the war, by the weakening of the empire and its head, Germany was rapidly hastening to internal ruin,—probably to subjugation by France and Sweden. Not merely the greatness, the existence of the empire was in jeopardy ; and this conviction spread widely and deeply among the princes and states. Such as had been most corrupted by the gold of France, or the promises of Sweden, began to join the demand for peace ; and for this purpose negotiations were opened ; though from the vicissitudes of the war, from the consequent elation of one party and the depression of the other, years elapsed before they were brought to a conclusion. Munster was chosen as the place where the emperor should settle his conflicting affairs with France ; Osnaburg, with Sweden. The war, however, continued ; the negotiations being protracted, not merely by the alternations of success and failure, but by the dissensions

of the Germanic body itself. Ferdinand wished to remove the princes and states from all share in the deliberations, the right of which he restricted to the electors alone: they naturally insisted on what was their constituted right from the very foundation of the monarchy. Yet we may doubt whether its exercise was desirable; since, in times less critical than the present, it had given rise to serious troubles. A multitude of petty states, discordant alike for their religious principles and their rival interests, were not likely to act in concert. In the end, a compromise was effected,—the princes and states being allowed to be present by their deputies. Though *this* obstacle was removed, enough remained. To reconcile opposite and ever jarring interests—the claims of the protestants with the pretensions of the Roman catholics; the authority of the emperor with the independence of the states, the conflicting interests of the territorial princes and municipalities with those of the electors,—required patience, candour, magnanimity on both sides. The wars which had so long devastated Germany, had, indeed, been fomented and conducted by foreign powers, but they had originated in the conflict of German interests. Thus it was as necessary to reconcile, as it was to disarm, the French and Swedes; otherwise the same causes of disunion would eternally operate and infallibly terminate in the destruction of the confederate body—of the great work which Charlemagne had founded, which ages had cemented, and of which the preservation was demanded by the voice of Europe no less than by that of the empire. After six years had elapsed from the opening of the preliminaries, the treaty of Osnaburg, between the emperor, Sweden, and the protestant states, was agreed on in August, 1648; that of Munster, between the emperor, France, and her allies, the following month; and both were duly signed at Munster on the same day, the 24th of October. This pacification, known as the peace of Westphalia, from the circumstance of both cities being contained in that

province, will be memorable through all time; both from its having served as the foundation of the international law of Europe, of the policy generally adopted by each state, and from its having correctly defined the claims of protestants and Roman catholics, the bounds of the imperial, the electoral, the aristocratical, and the municipal powers. It is, in the strictest sense, the key of modern history. For this reason, we shall dwell more largely on it than on any other subject in the present compendium.\*

The articles of this famous treaty may be classed under three great heads, or compacts. 1. With foreign and the neighbouring powers. 2. Between protestants and Roman catholics. 3. Between the imperial, the electoral, the territorial and municipal authorities.

1. In the first place; the limits and the revenues of 1648. the empire were alike narrowed by this fatal war of thirty years. During the late reigns—in fact, during the greater part of a century—the Netherlands had been but loosely connected with the Germanic body. The separation of the two branches of the Austrian house had placed them under the rigid government of Philip II king of Spain: they revolted; and though the contest was long protracted, it ended in the acknowledgment by Spain of their independence,—an acknowledgment sanctioned by Ferdinand, who had no means of resisting the will alike of those provinces, of France, Sweden, Denmark, and England—all intent on humbling the house of Austria. The Swiss, whom the tyranny of some of the Austrian sovereigns originally, and the intrigues of France subsequently, had driven into successful rebellion, were equally fortunate. Their independence had long been virtual; it had even been tacitly acknowledged from the time of Maximilian I.; but as the imperial chamber had occasionally issued decrees against

\* Struvius, *Corpus Historiae*, pars x. sect. 10. Pfeffel, *Histoire*, tom. ii. (sub annis). Schmidt, *Histoire*, tom. x. et xi. (passim). Coxe, *House of Austria* (Reign of Ferdinand III.). Barre, *Histoire*, tom. xi. Puffendorf, *De Rebus Suecicis* (sub annis).

them, they obtained, in 1647, a declaration from the emperor and states, that it was full and complete ; and in the present treaty it was solemnly confirmed ; all Switzerland, the bishop of Basil excepted, being freed from the jurisdiction of diets and chambers, and recognised as a body politic. Thus were two great countries, which had once been portions of the empire, and the recovery of which had never been wholly abandoned, for ever separated from the confederation. But worse than all this, were the encroachments made on the actual limits of the empire by France and Sweden. The motive which had induced the former country to support the discontented, to foment the spirit where it already existed, and to create it where it did not, was always apparent to the discerning : in the treaty of Westphalia it was unblushingly proclaimed to the world. She insisted on nothing less than the removal of her boundary to the Rhine ! She compelled the empire to renounce all sovereignty over Metz, Toul, and Verdun—bishoprics which she had usurped during the wars of Charles V. with the protestants, and held ever since ; and over Pignerol, which she had also wrested from the duke of Savoy : she exacted the cession of Upper and Lower Alsace, Sundgau, Haguenau, and the town of Brissac, together with the territorial superiority and sovereign rights such as they had been exercised by the empire and the house of Austria ; and she obtained the right to govern Philipsberg ! Such was the humiliating termination of the religious wars which, from the time of Martin Luther, had afflicted the empire ! Such the *magnanimity* of the French court, avowedly ready at every moment to defend the oppressed ! Strange infatuation—but surely a worse term might be employed—that of the protestants, to believe that, while the French court was slaughtering dissidents from the Romish communion in every part of the kingdom, it was eager to protect them in Germany ! Religious animosity — persecution on the side of the dominant catholics, rebellion on that of the reformed states—thus

dissevered from Germany the fairest provinces on the left bank of the Rhine. Hence impartial history must condemn both, nearly in an equal degree.—The Swedes were no less eager to share in the spoils of an empire which its own children had offered to the stranger. Her first demands were for the duchies of Pomerania and Silesia, and for the secularisation of several episcopal and archiepiscopal sees. She obtained the whole of Upper Pomerania, several towns and fortresses in Lower Pomerania, the isles of Rugen and Wollin, ~~the~~ the city of Wismar, with the secularisation of Bremen, which was changed from an archbishopric to a duchy, and of Verden, which became a secular principality—the chapters and religious foundations of both being for ever abolished. To lessen, in the eyes of the vulgar, the odium of this transaction, it was pretended that these countries were to be held as fiefs of the empire, and that the Swedish king should enjoy a seat and vote in the German diets. Of this pretext, the deception was sufficiently exposed by the fact, that he would not allow the inhabitants to be in any degree dependent on the Aulic council or the imperial chamber, or any of the tribunals recognised by the confederate states, and that he obtained an unlimited exemption from appeal in all the districts thus usurped. Such was the result of the generous zeal which Sweden had professed in behalf of her co-religionists in Germany ! of the victories which “that hero of protestantism,” the great Gustavus, had won. However tenderly the conduct of both France and Sweden, from the middle of the sixteenth to that of the seventeenth century, may have been treated by historians, it deserves the universal reprobation of mankind. How came Ferdinand to sanction, the diet to permit, this dismemberment of the empire ? The cause must be sought in the difficult position of both : the former trembled for his hereditary possessions ; the latter, for their existence as a confederation ; and both agreed to surrender a part for the preservation of the rest. A more serious re-

sistance was apprehended from the elector of Brandenburg, the undisputed sovereign of Pomerania. To appease him, he was enabled by Sweden to obtain the secularisation of one archbishopric, Magdeburg ; and of three bishoprics, Halberstadt, Minden, and Camin : the first he obtained with the title of duchy ; the three latter as principalities ; each of the four giving him a vote in the diets. In the same manner, the duke of Mecklenburg obtained the secularisation as temporal ~~principalities~~ of two sees, Schwerin and Ratzeburg, with two commendaries of St. John, in return for the important port of Wismar, surrendered to Sweden. But some princes of the house of Brunswick Lunenburg had exercised the secular coadjutorship—in other words had been allowed, during a certain period, to share the usurped revenues — of Magdeburg, Bremen, Halberstadt, and Ratzeburg. With the same dexterity, Sweden satisfied *their* rapacity by insisting on their having the alternate nomination to the see of Osnaburg,—that nomination to be made in favour of a prince of that house. Again, if the landgrave of Hesse-Cassal had surrendered nothing, he had yet adhered with unshaken attachment to the alliance of Sweden, which in return procured for him the lordship of Schaumburg, the secularisation of the princely abbey of Hirschfeld, with a voice in the diet, and a considerable sum of money. In a better spirit, this power, which was as grateful as it was rapacious, insisted on some indemnification to Charles Ludovic, son of the wild elector palatine, who had been driven from Bohemia and Germany, and had died in exile,—a demand seconded by all the protestant princes, whose representatives were present as allies, mediators, or guarantees. It was at length agreed that the Upper Palatinate, with the electoral dignity, should remain to Bavaria, but that the Lower should be formed into a new electorate in favour of Charles. Thus *eight* electors were recognised ; but to avert all abuse of such a precedent, since there was believed to be some mysterious virtue in the number

seven, it was provided that if either of the two rival houses of Bavaria and the Palatinate became extinct, the new electorate, to which was attached the dignity of grand treasurer, should be extinguished. Lastly, the states which had shared in the recent troubles, which had borne arms against the emperor in the thirty years' war, were, through the good offices of Sweden and France, included in the general amnesty.—Such were the chief provisions of the treaty in regard to foreign powers, and to the Germanic allies. Most of them were trebly obnoxious: they dismembered, and consequently weakened, the empire; they were in the last degree humiliating to the national honour; and those which regarded the secularisation of church property were more infamous to all parties concerned, than any thing which had happened since the spoliation of the English monasteries by our eighth Henry. That possessions which had been granted by ancient piety for the support of religion, for the relief of the poor, for the exercise of hospitality, for the encouragement of learning, should thus be converted from their legitimate uses, and transferred to the vilest; that they should thus become the prey of needy princes, of courtiers, and of courtesans, to the destruction of whatever had been venerated as holy; is the deepest of all stains on the character of the reformation. While hailing that reformation as in many respects a mighty good, let not impartial history conceal the evils which it directly or indirectly produced. Let us hold in everlasting execration the plundering ruffians of the English Henry; let the same feeling animate us when we hear of the Lutheran and Calvinistic princes of Germany!\*

2. The articles which regarded religion were less censurable—or rather, most of them deserve unmixed

\* Putter, *Historical Developement*, vol. ii. Struvius, *Corpus Historiarum Germanicarum*, p. 1327, &c. Bougeant, *Histoire de la Paix de Westphalie*, *passim*. Dumont, *Corps Diplomatique*, tom. vi. part i. p. 490, &c. Pufendorf, *De Rebus Suecicis*, lib. 20. Pfeffel, *Abregé Chronologique*, tom. i. A. d. 1618.

approbation. The foundation of the compact was the ample confirmation of the treaty of Passau made in 1552, and of the religious peace established three years afterwards. Hitherto the Calvinists had been excluded from the benefits of both: they were now placed on the same footing as the Lutherans.

"A general equality was maintained among the princes and states of the empire, whether catholics, Lutherans, or Calvinists. The dispute concerning the ecclesiastical reservation was finally settled by the declaration, that all ecclesiastical benefices, mediate or immediate, should remain in, or be restored to, the same state as on the 1st of January, 1624, which was termed 'the definitive year.' But in regard to the dominions of the elector palatine, the margrave of Baden, and the duke of Wurtemburg, 1618 was fixed as the definitive year, on account of the changes in civil and ecclesiastical affairs, introduced by the imperialists and Spaniards during their invasion of the palatinat. The article of the ecclesiastical reservation was recapitulated almost in the same words as in the peace of religion; but instead of being confined to the catholics, was extended to the members of the Confession of Augsburg, by the stipulation that, if an incumbent of an ecclesiastical office, whether catholic or protestant, should change his religion, he should be considered as having vacated his office, and another person of the same religion be appointed in his place.

"All other princes and states, immediate members of the empire, possessing sovereign power, are allowed to change their religion, or reform the public worship of their dominions, in all cases not limited by the treaty, or by compacts with their subjects. Unfortunately, however, the disputes subsisting among the protestants occasioned the introduction of a clause to explain this right of reformation, by which a Lutheran or Calvinist prince, possessor of territorial sovereignty, or patron of any church, who should change his religion, or acquire a territory of which the subjects enjoyed the public exercise of a different religion, was allowed to retain preachers for his own residence and court, and permit his subjects to embrace the same persuasion, but was not to make any innovation in the established worship.

"Although no similar regulation was mentioned, or even necessary, in regard to the catholics; and although this clause is specifically described as a convention between the two protestant sects; yet the catholics afterwards availed themselves of

this article to arrogate the same privileges as the Lutherans and Calvinists conceded to each other.

“ The subjects of either church differing from their lord or sovereign, possessed in the definitive year of ecclesiastical property, or enjoying the free exercise of their religion, were still to retain that property, and enjoy that toleration in perpetuity, or till a final arrangement of religious disputes. Even catholic subjects of a state which adhered to the Confession of Augsburg, or members of the Confession of Augsburg, subjects of catholic states, who did not enjoy the public or private exercise of their worship in the definitive years, or who, after the peace, should embrace a different religion from their territorial lord, were to be tolerated, and not prevented from performing their devotions in their own houses, or even assisting at the public exercise of their worship in places where it was tolerated in the vicinity. They were, also, permitted to provide for the education of their children, either by sending them to foreign schools of their own persuasion, or by entertaining preceptors in their houses ; and they were to enjoy the same rights and privileges, personal, civil, and commercial, as their fellow-subjects. But this toleration was, in a great degree, rendered dependent by the addition that all subjects, who, in the definitive year, did not possess the free exercise of their worship, and should be inclined to change their place of residence, or should be dismissed by their sovereign on the same account, should, in the first case, be allowed five, and in the last three years, to dispose of, or carry away their goods and property.

“ The point for which the protestants had long laboured was also terminated in their favour. No decree of the diet was to pass by a majority of suffrages, but by amicable accommodation ; first, in all causes of religion ; secondly, in all other affairs where the states could not be considered as a single body ; and, thirdly, in all cases in which the catholics and protestants should divide into two parties. In regard to the mode of voting public impositions, the question was referred to the ensuing diet. Diets of deputation, likewise, were to be composed of equal numbers of the two religions ; and, in extraordinary commissions, the officers or commissioners were to be all protestants, if the affair concerned the protestants ; all catholics, if the catholics ; and an equal number of each, if it concerned both religions. Finally, the dignity of the protestant body was secured by guaranteeing to their beneficiaries, who were entitled to seats in the diet, or in the college of princes, a peculiar between the catholic ecclesiastics and the secular members, with the distinction of ‘ Postulated’ annexed to their respective dignities.

"With respect to the Aulic council and imperial chamber, the amendment of the abuses which had been the early and constant theme of complaint among the protestants, was referred to the ensuing diet; but in the present instance, a few general regulations were established, tending to secure to the protestants the impartial administration of justice, and an equal share in those tribunals.

"The rights of the pope, in regard to catholic sees and benefices, were guaranteed; and the privileges of presentation, which belonged to the emperor both with regard to catholic and protestant benefices, with the sole restriction that he was to replace catholic with catholic, and protestant with protestant ecclesiastics. Finally, all dubious expressions were to be interpreted and decided by a full diet, or settled by amicable accommodation between the states of both persuasions."\*

3. The regulations adopted in regard to the civil constitution and internal police of the empire are still more deserving of our attention. Their most remarkable feature is the direct influence exercised over them by France and Sweden, which, in reality, legislated for Germany. On this subject we borrow the words of an eminent native jurist.

"One of the principal political grievances which were inquired into, in the negotiations of the peace, related to the sovereignty of the states of the Germanic empire over their respective territories. Although actual possession, and the custom of several centuries, pleaded in their favour, yet doubts still frequently arose concerning the rights of which every state could claim the exercise within the limits of his country. It was said that they had only a right to such regalia, or rights, as they had been particularly invested with; but that these did not comprehend all the rights of sovereignty. Against this, however, the powers of France and Sweden procured an express declaration in the peace, 'that all and each individual state of the empire should be protected and established in the free exercise of their territorial power, and the possession of all their rights, and be molested by no one, let him be who he would, in future.' Whatever rights of sovereignty, therefore, are comprehended in the supreme power of a state, such rights are attributed as the territorial power of every state, though they are not totally independent, but acknowledge a subordination to the emperor and empire; and that certain prerogatives which

\* Pütter, Historical Developement, vol. ii.

belonged to the emperor before the establishment of the territorial sovereignty throughout Germany, continued peculiar to him, as his so denominated *Reserved Rights*. These are, principally, the rights of conferring titles of rank, and academical degrees, and certain other prerogatives, such as granting a right to establish tolls and mints, with which it is at least requisite to be invested by the emperor. All other rights, however late in their origin, are now included of themselves in the right of territorial sovereignty.

" It was expressly declared in the peace, that each individual state should be perpetually at liberty to form alliances for their preservation and security among themselves, as well as with foreign powers, provided such alliances were not against the emperor and empire. By this it was determined that every state can form any sort of league, not only as the ally of another power, but as the belligerent party. Of course, therefore, they had the power of making war and concluding peace. The public peace, and the relation in which all the imperial states stand, as members of the same empire, in mutual connection with each other, lay them, however, under this natural restriction,—that one state cannot invade another. (But what if two foreign powers are at war, and one of these is allied with one state of the empire, and the other power with another? which may really be, and actually was the case in the northern war, which afterwards broke out when the electorate of Saxony allied with Denmark and Brunswick, Zelle with Sweden; and the Saxons, as auxiliaries in the Danish service, broke in upon the country of Zelle.)

" Among the prerogatives and even lands in the possession of the states, there were many which had been formerly mortgaged to them by some of the emperors.

" Such imperial mortgages, it is true, had been generally renewed by one emperor after another; and even since the time of Charles V., a promise was contained in the election capitulation to confirm the mortgages to the different states, and protect them in the possession of them. But notwithstanding this, according to the nature of mortgages, there always remained a possibility of their being redeemed, which Ferdinand II. had already attempted with the imperial cities of Lindau and Weissenburg, in the Nordgau. The apprehensions arising from this circumstance were removed by a declaration, that although mortgages among the states themselves should be considered as redeemable, the imperial ones should remain in the hands of their possessors.\* To this article many of the

\* In the last capitulation of 1742, art. 10. § 4. it is still more decisively expressed, "to protect the states in the imperial mortgages in their pos-

imperial cities are indebted for the preservation of their rights of provostship \*, which had been formerly mortgaged to them by the emperors, and by the redemption of which most of the imperial cities would have had the emperor for their real territorial lord.

"The imperial cities in general were fully confirmed in possession of their customary regalia, and entire sovereignty and jurisdiction, both within their walls, and in the territories under their dominion. The free imperial nobility, or knights of the empire, were confirmed, likewise, in their immediacy, as established by custom; and with respect to their religion, were allowed the same indulgences as those granted to the states. Even certain immediate parishes were included in the peace, which are still distinguished by the name of imperial villages." †

In regard to the prerogatives of the diet, and the constitution of the imperial chamber, good caution was demanded.

"The imperial court was disposed to consider it as a matter entirely dependent on the emperor's pleasure, whether he found it necessary to hold a diet or not, and in what cases he stood in need of the opinion or resolution ‡ of the states, and when he might reject it. They seemed inclined to attribute a confined sense to the term 'Reichsgutachen' (opinion of the empire); as if it were to be considered only as good counsel, which rested solely on the pleasure of the emperor whether he would follow it or not, without his being necessarily bound to act with the consent of the empire. Against this, however, both crowns immediately insisted 'that the states should enjoy a freedom of voting in all deliberations on the affairs of the empire, particularly when the question was either to make or explain laws, make war, impose taxes, make regulations respecting the recruiting or quartering of troops, erect new fortifications in the territories of the states, or garrison such as existed before, conclude peace, enter into alliances, or other

session, without redeeming or reclaiming them, and leave them in that state till further agreement.'

\* Reichsvogteylicke Rechte. The word vogg is supposed to have been corrupted in the middle ages from the Latin *advocatus*. The business of this officer is that of a bailiff or provost, to administer justice in the respective districts.

† Putter, Historical Development, vol. ii. We hope no apology will be required for our quoting so largely from this eminent publicist.

‡ *Gutachten* is the opinion of the states, somewhat in the form of a bill of our English parliament before it receives the king's assent.

business of a similar nature ; that in future none of these things, nor any of the same kind, should be done or permitted without the diet having first given its consent, and all the states allowed the freedom of voting.'

" The imperial ambassadors proposed that one more clause should be added, ' that all this should be understood with the reservation of those rights which belonged to the emperor alone, or jointly to him and the electoral college, and, in general, according to ancient custom.' This, however, was in vain ; for when the ambassadors of the two powers took occasion from this circumstance to propose, that the imperial court should deliver in a list of such *reservata*, as they were called, the emperor's minister scrupled to do it. It is probable that disputes would have arisen respecting the number of rights ; whether they were comprehended in the *reservata* or not ; and then at last, perhaps, the emperor's power would have been expressly limited to certain rights there mentioned. Thus, this article was at last inserted in both the treaties of peace, as proposed by the two crowns. Since that period, doubts have been liable to arise concerning what was included in the expressions, ' affairs of the empire, other business of a similar nature, or any thing of the same kind ;' or how far the emperor's reserved rights, on the other hand, legally extended over certain objects. For instance, if the supreme judicial power is a reserved right of the emperor, whether, and how far, he may act for himself at a visitation of the imperial chamber, and dispense with this or other regulations.

" The only question which was the subject of debate concerning the internal constitution of the diet was, whether the imperial cities should have a vote in the general diets, and in all particular assemblies of the states, as well as the states themselves. Ever since deputies were sent from the imperial cities to the diets, they had been allowed only a deliberative, and not a decisive vote ; a *votum consultivum*, not *decisivum*. Even in the reign of Charles V. the imperial cities complained of this against the other states. The peace now declared in their favour, that they should always be included under the denomination of states of the empire ; and that their votes and those of the other states should be of equal value.

" Every thing else was left as it was established by custom. It had long been usual for the electoral college to hold their deliberations apart from the college of princes ; and afterwards these two, which, with respect to the imperial cities, were called the superior colleges, agreed by *Re* and *Correlation\** on a

\* When the two colleges are deliberating upon a particular subject, the result of the deliberations of each is communicated to the other by

joint resolution, before the cities were invited, as the third college of the states, to join in a common resolution of all the three colleges, and form an opinion of the empire.

" If the three colleges are not united, the question before them generally drops: a majority of votes among them is of no validity. The two superior colleges themselves have declared, that they did not require this to the prejudice of the cities; much less is it allowed for them, in a difference of opinion between the two superior colleges, to give the casting vote. The decisive vote granted by the peace of Westphalia to the imperial cities cannot, therefore, be taken in this sense. The question there, was not concerning a majority of votes among the three colleges, but of the right of the states to vote in general, which was granted to the imperial cities in the same manner as to other states opposed to the mere deliberative vote which had been before attributed to them.\* The effect of this is of the greatest importance, which is evidenced in the assembly of deputations, where a few electors, princes, prelates, counts, and cities deliberate together in the name of all the states; in which case the vote of each of the imperial cities individually is exactly of the same validity as that of an elector or a prince, or of a whole college of imperial counts or prelates.

" It was ordained, that in the imperial chamber, in causes in which catholic and protestant states were concerned with each other, or even causes where the parties were of the same, and a third person intervened of a contrary religion, there should be a perfect equality of religion observed in the appointment of the members of the court. It had for this reason been previously agreed upon, that the whole chamber should be composed of an equal number of persons of both religions,—a circumstance perfectly consistent with the principle, that in this respect, in the empire in general, there was a mutual equality. But when it was judged expedient to appoint fifty assessors, that they might be divided into a greater number of senates; and that all the causes which were brought before the court, which were very numerous, might be decided with greater certainty, the protestant states were not allowed twenty-five presentations, as they ought to have been in conformity to the principle of a perfect equality, but only twenty-four. The catholic states, likewise, were properly to have had only twenty-four presentations; but the two which were want-

means of the Directorium, till they are united in the same opinion, which is termed Re and Correlation.

\* Putter's Contributions to the Knowledge of the Public Law, and Law of Princes in Germany, vol. i. p. 77. 88.

ing in the number fifty, and which were both catholic, were left to be presented by the emperor. The chamber, therefore, did not preserve any just equality; for twenty-six of the assessors were catholics, and only twenty-four could be protestants.

" With regard to the protestant presentations, it was inserted in the peace, that the protestant electors of the Palatinate, Saxony, and Brandenburg, should have the right of presenting two; each of the two circles of Upper and Lower Saxony, which were reckoned purely protestant, four, and that they should alternately present a fifth; the protestant states in the mixed circles of Franconia, Swabia, the Upper Rhine, and Westphalia, for each of them two; and for the four circles together, alternately, another; that they should present in all, therefore, four and twenty protestant assessors. The division of the presentations of the catholic states was referred to the next diet. The four catholic electors of Mentz, Treves, Cologne, and Bavaria, were each of them allowed the right of presenting two; the circles of Bavaria, four; and the catholic states of the mixed circles of Franconia, Swabia, the Upper Rhine, and Westphalia, for each of the circles two; in all, therefore, the same number, four and twenty catholic assessors.

" There happened to be two or three protestant states in the circle of Bavaria, as the counts of Wolfstein and Ottenburg, and the imperial city of Ratisbon; but as by far the greater part of the members of the circle were of the other religion, it was reckoned purely catholic. A particular provision, however, was made in the peace, that the circumstance of the protestant states having no part in the presentation of the circle, should not tend to their prejudice. It was the same case in the circle of Lower Saxony, which passed for a purely protestant circle, although the bishop of Hildesheim was a member of it.

" At the first institution of the imperial chamber, there was no idea of any other office than that of the chamber judge and the assessors: the latter, viz. the assessors of the imperial chamber, as they are now called, were to be at least half of them noble. There were hopes that persons, even of high nobility, would offer themselves; and at first, indeed, there was a count of Eberstein, whom they honoured, as an assessor of rank (*assessor generosus*), with a seat immediately next to the judge, before all the others. As a court, according to the ideas which then prevailed, could not be held unless a judge presided, it was a great advantage for an assessor of rank to be present, that, in case of the absence or sickness of the judge, he might supply his place. This advantage was considerably

"Another objection made to the Aulic council was, that it was entirely composed of catholic members. The count of Trautmannsdorf removed this, by consenting that the article in the peace of Osnabrück, respecting the equality of religion to be observed in the imperial chamber, should extend, likewise, to the Aulic council; and it was further added, 'that the emperor should for this end nominate to the Aulic council a certain number of learned men, and men versed in the affairs of the empire, who were of the Augsburg Confession, from the protestant or mixed circles; and there should be an adequate number for an equality of assessors of both religions to be observed, in cases where it was requisite.' In the rules for the council, which were afterwards made, Ferdinand more decisively declared, 'that the Aulic council should not exceed eighteen in number, including the president; and that, among those eighteen, there should be six of the Augsburg Confession taken from the circles.' This number of eighteen has been several times exceeded: in the reign of Leopold, it amounted to thirty-nine; and still there were but six among the council who were protestants, and one or two of these frequently absent for a considerable length of time.

"As for a visitation, such as was usual with the imperial chamber, this could not well be expected at the Aulic council. On account of the connection in which that court stood, according to its original establishment, with the imperial court of chancery, it was formerly allowed for the elector of Mentz—as, indeed, the rules for the council granted by the emperor Matthias in the year 1617 still expressed it,—'to visit and preside over it, and continue such visits with the emperor's cognisance, as often as necessity required.' But this visitation of the elector of Mentz could not be put in comparison with that which was customary at the imperial chamber. This, therefore, occasioned fresh matter for objection, that the states could not place that confidence in the Aulic council which they could in the chamber. On this point, it was only inserted in the peace of Osnabrück, 'that the elector of Mentz should visit the Aulic council as often as was necessary, with observation of what the emperor in general, assembled at the diet, thought fitting to be done.'—'In the rules of the Aulic council, says Ferdinand III., 'as far as respects the visitation of our aulic council, we leave it as ordained by the articles of the treaties of Munster and Osnabrück.' In the late capitulation of 1742, the following passage occurs: 'We shall and will take the opinion of the empire concerning those articles which were left by the peace of Westphalia for deliberation' at the succeeding diet, respecting the *modum visitandi*, or the kind and mode of

visitation, and give the resolution thence arising its due force and efficacy. In the mean time, however, we permit the visitation from the elector of Mentz, as arch-chancellor of the Holy Roman Empire, to be continued every three years, till another is fixed upon at the diet which shall lay the acts of the visitation before the states of the empire; and that, wherever a deficiency appears, the diet shall make suitable provision for its remedy.' But the effect of this is still to be expected.

" Besides the complaint made of the want of a visitation, and laws for regular proceedings in the court, another objection was made, that there was no legal resort by which parties who thought themselves aggrieved might hope for redress, as in the imperial chamber, where every aggrieved party was at liberty to apply for revision. To remove this objection, it was inserted in the peace of Osnabrück, ' In order that persons having causes depending before the Aulic council should not be wholly deprived of all legal resort, such as think themselves aggrieved by the sentence of that court, instead of the revision in use in the imperial chamber, shall be at liberty to supplicate his imperial majesty that the judiciary writings may be again revised, with the concurrence of an equal number of other impartial counsellors of both religions, who are able to judge of the cause, and were not present when the sentence was first passed, or at least did not occupy the place of Re or Correferendary.' This article was afterwards repeated in the rules for the Aulic council of Ferdinand III., without any addition.

" The question, however, still remained, how this could be accomplished, as all transactions of the Aulic council were done in full council; and it was impracticable, therefore, to choose other members of the council for the revision of a cause, who were not present when judgment was given on the first trial? The actual practice at present, when a party has recourse to a revision, is to appoint a new Re and Correferendary \*; a circumstance which is certainly of the more importance, as in general a great deal depends upon those officers.

" This is certainly attended with one advantage, in comparison with the revision of the imperial chamber, that the visitation of the Aulic council does not remain in suspense, as that of the chamber has done for two hundred years, but may be accomplished with very little loss of time. But this, again, is by no means such a thorough revision as that of the chamber :

\* These are the officers appointed to make extracts from the papers relating to the causes taken cognisance of by this tribunal; from which extracts the court forms its judgment.

there the cause comes into quite different hands ; whilst here the decision of the question, Whether the former sentence was right or wrong ? depends upon those very suffrages which contributed to its being pronounced at first. In other respects, the rules prescribed by the laws of the empire for the imperial chamber, concerning law terms, forms, and what was otherwise requisite for a revision, were applied, where it was at all practicable, to the Aulic council.

" Among other things, parties engaged in lawsuits must deposit *Succumbensgeld*, as it is called, that is, a certain sum, which the Aulic council, fix according to the state of the case, at several hundred or thousand dollars, to be previously deposited, within a certain time, by the party demanding a revision ; but upon condition of its being returned in case their complaints should be found to be well grounded, and the former sentence revoked.

" If, on the contrary, notwithstanding the revision, the former sentence is confirmed, this money is forfeited. In the imperial chamber, this money is disposed of at the visitation ; but neither the visitors nor the assessors of the court derive any advantage from it whatever. But in the Aulic council, cases frequently occur, where certain perquisites, such as *Laudemialgeld*, or fees paid at the investiture of a fief conferred upon collateral relations, or a new grant from the emperor, have been divided among all the members of the Aulic council, and constitute a part of their salaries. In the same manner, the Aulic council divide among themselves all the dues for revision, as soon as the case is rejected, and the former sentence confirmed." \*

The general character of this treaty of Westphalia is not inaccurately, though too briefly, described by a modern historian.

" The catholics undoubtedly derived advantages from the restoration of that ecclesiastical property which had been confiscated before 1624, and from the uncontested establishment of the ecclesiastical reservation. Their pride was also gratified by the preference given to the catholic as the dominant religion, by the reference continually made to some future reunion of the church ; and by the terms in which the concessions were granted to the protestants, not as matters of justice and right, but of toleration and favour. Yet, although none lost any portion of their hereditary possessions, the weight of their body and the power of the church, which formed the

\* Putter, *Historical Developement*, vol. ii.

bond of their union, were greatly diminished by the extensive secularisation of the ecclesiastical property, most of which was transferred to protestants.

“ On the contrary, the protestants lost little advantage by the arrangement to the ecclesiastical reservation, which they had power or unanimity to set aside, and which had involved them in continual disputes with the catholics. They saw their own religion secured from the consequences of apostacy, by an insuperable barrier ; themselves admitted to an equal share of influence in the tribunals of justice and the diet, and by uniting in a body, they possessed a legal expedient to deprive their antagonists of the advantage derived from superior numbers. The inclusion of the Calvinists in the peace diminished that fatal jealousy which had so long reigned between the two sects ; and, by their consequent union into a compact body, removed that weakness and discordance which had often exposed them to the aggressions of the catholics. From this time the protestants, though differing in religious principles, were, as a political body, actuated by the same views and guided by the same interests ; and the heads of the electoral house of Saxony, unanimously chosen their chiefs, instead of fomenting their disputes, were the champions of their cause and the supporters of their interests, though they afterwards became members of the catholic body.

“ By this treaty, France was enabled to secure passages into Germany and Italy ; to avail herself of those regulations which rendered the empire an aristocracy, by detaching the minor states from their chief, and to form on every occasion a powerful party against the emperor or the house of Austria. Under the pretext of the joint guaranty, to which she was entitled by this treaty, she found a never-failing excuse for interfering in the affairs of the empire ; she assumed the protection of the weaker states, by affecting to support their liberties ; and seized continual opportunities of increasing that influence which was already too predominant, and afterwards became fatal to Germany.

“ The advantages acquired by Sweden were scarcely less important than those of France. Though, by local position, apparently excluded from any share of influence among the civilised states of Europe, she rose to a height of fame far beyond her physical strength or extent of territory, obtained a footing in Germany, which gave her the command of two of its principal rivers, the Elbe and the Oder ; and acquired a degree of influence, which enabled her frequently to turn the scale in favour either of France or Austria.

As emperor, Ferdinand saw himself stripped of a great part

of that authority which he derived from prerogative or prescription ; reduced to admit to a share of sovereign power and dignity, the states whom preceding emperors had treated as vassals ; and, as head of the house of Austria, he lost, with the important territory of Alsace, his footing beyond the Rhine.

" By these restrictions and dismemberments he was deprived of that preponderance in Europe, which his family by its own weight had hitherto maintained over France.

" To the empire, as a great political body, this peace can appear scarcely in any other light than as a fatal blow to its strength and influence. The different states were, indeed, gratified with an appearance of independence, but purchased this shadow of sovereignty by foregoing the advantages derived from concord and union. The right which they acquired of concluding alliances with other states often rendered them the mere instruments of intrigue, in the hands of foreign powers ; and France in particular, by the assistance of the Germans themselves, erected and extended the ascendancy which she had gained by breaking down the barrier of the empire. To a few of the greater states the peace of Westphalia became the foundation of independence ; but to the smaller it was the ultimate cause of weakness and degradation, and led to the subjugation of most of the imperial towns, once the chief seats of German wealth, prosperity, and commerce."\*

1648. Had any other thing been determined with equal minuteness by this celebrated treaty, it would have been a real boon to Germany. But, unfortunately for her prospects, some measures of scarcely inferior importance were proposed, only to be deferred to a future diet ; and of these, we need scarcely observe, few were subsequently considered at all. A permanent capitulation, indeed, to serve as a perpetual engagement on the part of the sovereign, at his election, towards the states, was drawn up, and, after several evasions, sanctioned in somewhat more than half a century after this peace. It was, however, subject to addition or alteration, according to future circumstances ; but not, as had hitherto prevailed, at the mere pleasure of the electors, unless the articles introduced concerned themselves alone : where general affairs were involved, the concurrence of the states was necessary. Thus, also, in regard to the election of a

\* Cox's, *House of Austria*, vol. i. p. 961.

king of the Romans, was that election to be made by the seven princes who had hitherto held the privilege? or was the privilege to be shared with the states? France and Sweden, convinced how easily a living emperor could prevail on a small number to elect a son or brother, and anxious to remove the crown from the house of Austria, warmly recommended the latter alternative, and at the same time suggested a declaration, that, except on extraordinary emergencies, no king of the Romans should be elected during the life of the reigning emperor. But the privileged seven, as may be naturally imagined, were averse to the change, though it was undoubtedly a return to the most ancient system; and it was dexterously evaded under the plea of deferring it to the next diet. It was subsequently proposed by the states, who were no less eager for its adoption; but all that could ever be obtained, was a declaration, in the diet of 1711, that on certain occasions only should a king of the Romans be elected during the life of the reigning emperor. Other momentous affairs had yet to be considered; hence the seeds of discontent which were so rapidly germinating in certain districts of the empire, and which were likely sometime to dissever the bonds of the confederation. The relative proportions of taxation, not only in regard to each state, but to the different social classes of each, was one. Another was the regulation of the diets of deputation, so as to fix on a perfect basis of equality the number of deputies sent by protestant and Roman catholic states. This equality, as a fundamental principle, was indeed acknowledged by the peace, but no definite measures were adopted to procure it. Those diets of deputation consisted, as we have before shown, of the seven electors, and certain number of princes, counts, prelates, and imperial deputies returned by the states. In 1654, it was proposed, that, as there were four catholic and only three protestant electors, one of the latter should in every second diet have two votes instead of one; and care was taken that the princes, counts, and imperial cities on both sides

should be equal. But this suggestion was not fully carried into effect. Equally unfortunate were the attempts to regulate the public and private parts of the empire; so that the interests of the one continued to clash with those of the other down to our own times.\*

- 1648 To resume our historical summary.—Most of the regulations which concerned the Roman catholic church, 1657. the ecclesiastical judicature, and, above all, the secularisation of the bishoprics, were loudly condemned by the papal legate; and, in 1651, finally annulled by Innocent X. But his thunders had ceased to terrify even those who remained in the ancient communion, and not a sword was drawn to support him. The remainder of Ferdinand's reign passed in tranquillity; nor does it contain any striking event except such as we have anticipated in the preceding pages. He caused his son to be elected king of the Romans, under the title of Ferdinand IV.; but the young prince, already king of Bohemia and Hungary, preceded him to the tomb, and left the question of the succession to be decided by a diet.—Ferdinand III. died in 1657, leaving behind him a character for wisdom and moderation, unequalled perhaps by any monarch of his age.†
- 1657 LEOPOLD I. The interregnum, and, indeed, the century which followed the death of Ferdinand, showed 1705. the alarming preponderance of the influence gained by France in the affairs of the empire, and the consequent criminality of the princes who had first invoked the assistance of that power. Her recent victories, her character as joint guarantee of the treaty of Westphalia, and the contiguity of her possessions to the states of the empire, encouraged her ministers to demand the imperial crown for the youthful Louis XIV. Still more extraordinary is the fact that four of the electors were gained, by that monarch's gold, to espouse his

\* Founded on the histories of the treaty of Westphalia.

† Authorities:—Struvius; Pfeffel; Schmidt; Barré; Coxe; Puffendorf; Geraldo.

views ; for who could have anticipated that there would be one single voice raised in behalf of a power which had exhibited an ambition so perfidious and grasping ; which had inflicted so fatal a blow on the confederation ; which watched the progress of events, in the hope of rendering the country as dependent on France as it had been in the time of Charlemagne ? Fortunately for Germany and for Europe, the electors of Treves, Brandenburg, and Saxony were too patriotic to sanction this infatuated proposal ; they threatened to elect a native prince of their own authority,—a menace which caused the rest to co-operate with them ; so that, after some fruitless negotiations, Leopold, son of the late emperor, king of Bohemia and of Hungary, was raised to the vacant dignity. — His reign was one of great humiliation to his house and to the empire. Without talents for government, without generosity, feeble, bigoted, and pusillanimous, he was little qualified to augment the glory of the country ; though, to do him justice, its prosperity was an object which he endeavoured, however ineffectually, to promote. Throughout his long reign, he had the mortification to witness, on the part of Louis XIV., a series of the most unprovoked, wanton, and unprincipled usurpations ever recorded in history. The infamy of the French councils at this period is so extraordinary, that, unless it were apparent even from the national writers, it would be utterly incredible. As many volumes, however, would barely suffice to expose it in its proper colours, and as many hundreds have actually been written — not by the historians of Germany only, but of France and England — we will not enter into a subject so universal. We shall only observe, that, aided by some alliances which his money enabled him to procure in the very heart of the empire, Louis was a terrific scourge to it ; that his troops often transformed into a perfect desert the regions bordering on the Rhine ; that, to annoy his rival the more, he prevailed on the Turks to penetrate to the

very walls of Vienna : that a sense of the common danger roused Holland, the empire, Denmark, England, and even Sweden, to combine against the common enemy of Europe ; that the treaties of Nimeguen in 1679, and of Ryswick in 1697, were but truces, made on the part of France only to give time ; that, though splendid successes accompanied for some years the arms of France, victory at length forsook them for those of her enemies ; that in the war of the Spanish succession, though Philip V.\* was supported on the throne by the arms of France and Spain, in the Low Countries the French were humbled, especially at the glorious battle of Blenheim ; and that when Leopold died, in 1705, all Europe, Italy, Spain, and the elector of Bavaria excepted—the last perversely adhering to the most faithless and dangerous enemy Germany ever had—were animated with a new spirit against France. One of Leopold's last acts was to confer, by letters patent, the dignity of prince of the empire on the duke of Marlborough. France had now lost all her conquests on the right and some on the left back of the Rhine ; and Sweden, which was long her faithful ally, became, under Charles XII., her enemy. During the minority of Charles, this kingdom, as the penalty of her alliance with the enemy of Germany, had lost most of her possessions in the northern provinces of the empire,—possessions which were divided between Denmark, Saxony, and Russia. On both extremities, therefore, Leopold, whose talents were so moderate, gained for the empire. Nor were his arms less successful in general against the Turks, with whom his generals in Hungary, and sometimes in Austria, contended the greater part of his reign. But the glory of humbling them is not due to them or to the Germans, so much as to the Poles, under the immortal Sobieski. The memorable campaign of 1683, when the Polish hero, in conjunction with the imperial generals, faced the grand vizir Kara Mustapha

\* See History of Spain and Portugal, vol. v., reign of Philip V.

to raise the siege of Vienna, and rolled back the invading tide to the frontiers of the Ottoman empire, is well known to every general reader. Thus, though Leopold had no talents for war, though he was never present at a battle, his arms were victorious. This result, however, must not be ascribed to any merit of his; it arose from the general feeling of Europe against one of the most unprincipled sovereigns that ever cursed a country, and from the alliances offensive and defensive which that feeling inevitably produced. Probably his very want of merit,—we mean *public* merit, for in private life he was estimable,—served his cause better than the most splendid talents could have done; since it tended to diminish the dread which Europe had long entertained of his aspiring family, and which was now transferred to his more dangerous rival, the king of France.—Internally, the reign of Leopold affords some interesting particulars.—1. Not the least is the establishment of a ninth electoral dignity in favour of Ernest Augustus, duke of Brunswick Lunenburg, who then became (1692) the first elector of Hanover. This was the act of Leopold, in return for important aid in money and troops from two princes of that house; but it could not be effected without the concurrence of the electoral body, who long resisted it. Constitutionally, as settled by the treaty of Westphalia, no such creation could be made without the same concurrence on the part of the college of princes; but their clamours were disregarded when the consent of the electors was secured. As the duke was a protestant, the catholics complained with bitterness of the equality given to the votes of the rival church. Here the reader may perhaps enquire how this equality could be, since the three ecclesiastical electors, Mentz, Cologne, and Treves, were of necessity catholics, and Bohemia and Bavaria were the same. It must, however, be considered that, though Bohemia always voted at the election of a king of the Romans, she had no electoral suffrage on other occasions; she had no seat in the electoral college,—a privilege which she

appears to have lost by degrees,— through neglect of attending the diet, and probably through a disinclination to be any further connected with Germany than was unavoidable. Indeed, as she bore no part of the public burdens so far as the empire was concerned, it is difficult to see how she should have the same privilege of financial legislation as the rest,— a consideration which would not apply under the feudal system, when few *direct* contributions were raised, and when personal service in the field was nearly all that was demanded. The Germans, naturally averse to the Bohemians, who had always pursued interests separate from those of the confederation, resisted the efforts of Ferdinand I., and of his immediate successors, for the full participation of Bohemia in all the electoral privileges. But when the catholics perceived that the votes of Mentz, Cologne, Treves, and Bavaria were followed by those of Saxony, Brandenburg, the palatinate, and the new electorate, they no longer resisted the admission of Bohemia. The protestant princes might, indeed, oppose it; but Leopold knew so well how to combine his projects with their personal or family interests, that he ultimately succeeded in this, as in other designs, where at one time success appeared hopeless. Seeing that they had still a preponderance of suffrage, the catholic electors no longer opposed with vigour the creation of a ninth electorate; especially as there was an understanding, that if either the palatine or the Bavarian house became extinct, the electoral dignity should be extinguished with it. It must, however, be added, that though resistance to the admission of Bohemia, and the creation of a ninth electorate, was withdrawn, neither was recognised by the diet until the following reign. Another circumstance reconciled them to the admission of the new elector. In 1688, a catholic prince, Philip Wilhelm, count palatine of Neuburg, succeeded a protestant in the palatine electorate; and in 1698, Frederic Augustus, elector of Saxony, exchanged his faith for the crown of Poland. Hence the number of catholic and protestant electors

was now in the proportion of seven to two. On this subject, however, some explanation is necessary. As the protestants were not likely to witness, with patience, the transfer of their suffrages to their enemies ; and as in this case a general war would have been inevitable ; it was agreed that, though the sovereign of the state was personally a catholic, the state itself should still be regarded as protestant, and exercised a protestant suffrage. Thus, when the elector of Saxony ascended the throne of Poland, he was constrained to commit the affairs of religion in that province to a board of protestant ecclesiastics, and to allow a protestant ambassador to represent him at the diets of the empire. It might, indeed, be expected, that where the sovereign was a catholic, his religious feelings must inevitably bias his vote ; but this anticipation was rendered groundless by an innovation to which we shall speedily allude, — the personal absence of the electors from the diet, and their representation by ambassadors. In the Palatinate, however, the reformed religion was irretrievably ruined. Louis, the great protector of the protestants in Germany, not content with banishing them from France, resolved to extirpate them in the Palatinate. He every where persecuted them, laid their churches in ashes, and transferred them to the catholics ; and when, at the treaty of Ryswick, in 1685, the protestants naturally urged the restitution of their worship, in conformity with a fundamental law recognised in that of Westphalia, their demand was openly resisted by France. Louis insisted that the state of religion in that province should remain just as he had established it.—Reverting, however, to the subject more immediately before us, the number of electors could not long remain unchanged. In the treaty of Westphalia, the magic *seven* had lost its charm ; its power was now still further diminished by another addition ; and the precedent was sure to be followed in a country where the dignity was accompanied by such great advantages, and where, as the condition of procuring it, the sovereign

could secure whatever aid he demanded from the most ambitious of his princes.—2. This election of a brother prince gave umbrage to the elector of Brandenburg, who, in virtue of the Westphalian treaty, had succeeded to the duchy of Prussia, and who felt that he was at once as powerful and as ambitious as Frederic Augustus. In this feeling, he began to negotiate with Leopold for the royal dignity also. At any other time, his pretensions would have been treated with ridicule; but since he could bring a considerable force into the field, since the war of the Spanish succession was about to commence, since his aid was consequently an object of much importance to the emperor and the allies, nothing could be denied him; especially as, in the event of such a denial, he might league himself with Louis of France, who would readily procure the gratification of his ambition. Hence Leopold, Holland, and England acknowledged him. Again, Sweden, under its youthful monarch Charles XII., was preparing (1700) to enter the lists with Denmark, Poland, and Russia, which had magnanimously agreed to dismember her territories. It was the interest of both parties to manage a prince so near and so powerful as the elector of Brandenburg and the duke of Prussia; and he was equally recognised by the four crowns. France and Spain, indeed, refused to regard as a brother king, one who was so likely to become an active enemy; and the pope, who modestly thought that the holy see alone had the power of creating kings, and who had no wish to see another diadem on the brow of a heretic, strengthened the opposition. But opposition from powers so distant and feeble as two of them was ridiculed by Frederic, who, in 1701, placed the crown on his own head as king of Prussia.—3. But some changes in the political state of Germany furnish a more interesting subject of contemplation. The treaty of Westphalia recognised the right which, in fact, had always existed,—that of each state making separate alliances with foreign states or with each other, without the concurrence of a diet, even of deputation,

without so much as consulting any elector or prince, throughout the empire. Thus, in 1658, several spiritual and temporal and temporal princes formed the Rhenish alliance, the object of which was to prevent the war from spreading in Germany. Thus also, in 1661, the bishop of Munster, when that city refused to obey, entered into a treaty with Austria and France, each of which furnished him with troops, and by their aid he reduced the place to perfect subjection. And it was a similar alliance between Bavaria and France,—an alliance cemented by a marriage,—in which that elector was opposed to the greater part of the empire and its head, that protracted the destructive wars of the period, and occasioned the dismemberment of the country. Nothing could be more injurious than this privilege, since it sanctioned civil warfare, and enabled any prince, whom it was the interest of foreigners to gain, to consult his own aggrandisement at the expense of the confederation. So eager was each state to secure its absolute independence, that not a thought was wasted on the general weal: yet that independence would assuredly have been great enough, had each been compelled to procure, for its separate treaties, the confirmation of the diet. From this peace of Westphalia may be dated the rapid decline of the empire as a confederate body. Since then she has been unable to withstand any of the great European powers: France and Russia—nay, even her own children, Prussia and Austria—have swayed her destinies.—Again, the establishment of a permanent diet, attended, not by the electors in person, but by their representatives, is one of the most striking peculiarities of Leopold's reign.

“ The assembly of deputations which met at Frankfort towards the conclusion of the last reign, continued its session after Ferdinand's death; but it effected nothing of consequence. A new war with the Turks, in which Leopold saw himself involved, rendered it necessary for him to convoke a general diet at Ratisbon, instead of the assembly of deputations. It certainly was not his intention, by this measure to establish a perpetual general diet; he convoked it with the hope

of procuring a speedy and adequate assistance against the Turks ; and intended that the session should in a few months be again prorogued : but the princes, who were not pleased to see the hopes afforded them by the peace of Westphalia, of a perpetual capitulation at the election of an emperor and king of the Romans, so little accomplished, zealously insisted that it should come into discussion, either before, or at the same time with, their deliberations respecting the aid against the Turks. They had even formed a particular union among themselves, in support of their prerogatives, on the 20th of April, 1662, called the Princely, in imitation of the Electoral Union ; and so far accomplished their purpose, that immediately after the aid required by the emperor against the Turks was granted, they began to draw up a perpetual capitulation. The plan was finished in a few weeks ; but a new dispute arose now concerning the introduction and conclusion, as the electors insisted upon reserving their right of inserting some additions of their own. Besides this, so many new and important objects soon afterwards occurred in the course of the deliberations, that the diet was unusually prolonged, and at last rendered perpetual, as it exists at present, and distinguishes the Germanic constitution as the only one of its kind—not only for a certain length of time, as was formerly, and as diets are generally held in other countries, where there are national states ; but the diet of the Germanic empire was established by this event for ever.

" The diet acquired by this circumstance an entirely different form. So long as it was only of short duration, it was always expected that the emperor, as well as the electors, princes, counts, and prelates, if not all, yet the greatest part of them, should attend in person ; as in other nations, where there are states, those who enjoy a seat and voice at the diets, or in parliament, are expected to exercise their privilege personally. It is true, it had long been customary at the diets of Germany, for the states to deliver their votes occasionally by means of plenipotentiaries ; but it was then considered only as an exception, whereas it was now established as a general rule, that all the states should only send their plenipotentiaries, and never appear themselves ; and if they were able to pass a decree without further question, according to their own resolutions, it naturally followed that an assembly consisting solely of plenipotentiaries could only deliver their votes as their principals dictated, and that it was necessary, therefore, previously to submit the subject of debate to their opinion and receive instructions.

" The question very naturally arose, What sort of plenipo-

tentiaries those were, which now composed the diet? In former times, they had scarcely any determinate name: sometimes they were called counsellors, and sometimes deputies, plenipotentiaries, agents, messengers, &c. Every plenipotentiary from a state to the diet, was considered as an ambassador, and treated upon that footing.

"The whole diet, therefore, imperceptibly acquired the form of a congress; consisting solely of ministers; similar in a great degree to a congress where several powers send their envoys to treat of peace. In other respects, it may be compared to a congress held in the name of several states in perpetual alliance with each other, as in Switzerland, the United Provinces, and as somewhat of a similar nature exists at present in North America; but with this difference,—that in Germany, the assembly is held under the authority of one common supreme head, and that the members do not appear merely as deputies, or representatives invested with full power by their principals, which is only the case with the imperial cities; but so that every member of the two superior colleges of the empire is himself an actual sovereign of a state, who permits his minister to deliver his vote in his name and only according to his prescription."\*

In the diet thus favourably established, the emperor was represented by two persons, a commissary and his assistant; the former always a prince of the empire, the latter an inferior noble or lawyer. The principal commissary had the precedence of all the other envoys,—for the princes, now so much increased in number, had their envoys as well as the electors,—sat under a commissary; and, in fact, had the direction of the assembly. †

Before we quit the reign of Leopold, we must again request the reader's attention to the irreparable injury which the reformed religion received from its voluntary connection with France. We have adverted to the intolerant spirit displayed by the royal "ally of the pro-

\* Putter, *Historical Developement*, vol. ii. p. 277.

† Struvius, *Corpus Historiae*, p. 1337—1450. Pfeffel, *Abrégé Chronologique*, tom. ii. (sub annis). Schmidt, *Histoire Giraldo*, *Istoria di Leopoldo I.* (ad annum 1670). Wagner, *Historia Leopoldi Cæsaris Augusti*, *passim*. Dumont, *Corps Diplomatique*, tom. vii. (*varia instrumentis*). Barré, *Annales de l'Empire* (sub annis). Salvandez, *Histoire de Jean Sobieski, Roi de Pologne*, tom. ii. Coxe, *House of Austria (Reign of Leopold I.)*. And, in fact, all the general histories of Europe.

testants" in the Palatinate; but we have not done justice to the subject.

"The accounts given by historians of the conflagrations and unheard-of cruelties of the French army under the command of the maréchal De Duras, in the countries contiguous to the Rhine and Neckar, are dreadful beyond description: the remonstrances and earnest entreaties of the margrave of Baden were fruitless; his capital, and many other towns and villages, were totally destroyed. The beautiful country of the elector palatine was in a still more deplorable condition. The army, not satisfied with levying the most exorbitant contributions, and plundering the towns they had taken, even opened and pillaged the tombs, and threw about the bones of the illustrious dead; particularly at Spires, where they destroyed the superb monuments of eight emperors and three empresses.

"They stripped the very altars of the village churches; and the distressed inhabitants, after giving up their all to the insatiate conquerors, were barbarously driven naked from their dwellings; and their wives and virgin daughters violently sacrificed, in the presence of their husbands and their parents, to wanton and unbounded lust. The French minister, the marquis de Louvois, at last ordered, in the name of his *Most Christian Majesty*, the whole country—a district of more than thirty English miles in length—to be destroyed by fire. The populous cities of Heidelberg, Manheim, Frankenthal, Spires, Oppenheim, Creutzenach, Alzey, Ingelheim, Bacharach, Sinzheim, Bretten, and many others, were consumed to ashes. The costly palaces of the palatine electors, which had been the work of ages, and other magnificent public buildings, were now a heap of ruins, and scarcely one stone left upon another. A circumstance that added to the misery of the unfortunate fugitives, was, that this horrid scene was perpetrated in the midst of a severe winter, when the ground was covered with snow. The infirm, the aged, and helpless infants, who were unable to escape, were either sacrificed with their paternal dwellings to the flames, or exposed to the most inclement weather, and perished by the frost: many were shot at and maimed for the amusement of the brutal soldiers, and left bleeding in the woods. In the neighbourhood of Heidelberg, a woman was ripped up with a bayonet, the untimely fruit torn from her womb, and her husband murdered by her side. That beautiful city seemed destined to suffer more than any of the others. When it was taken, in 1693, the army set no bounds to their cruelty; though the citizens capitulated, and the dauphin himself promised them security; yet, when the enemies quitted

it; on the approach of the imperial army, they broke their treaty, and laid the town in ashes. The French generals De Tesse and Rouville were so moved at the sight of the raging flames, and tears of the distressed inhabitants, that they at last, suffered many to rescue their effects; but when the burgomaster fell upon his knees, and entreated them to save the castle, De Tesse uttered a deep sigh, and told him, ‘that it grieved him to be a spectator of their ruin, but that it was the king’s orders — they were absolute, and must be obeyed.’ In the year 1693, the scene was still more dreadful than before. The scattered inhabitants had scarcely restored their native town to a tolerable state of defence, before they were again attacked by a powerful army of the enemy: the garrison was not strong, but brave; and might have held out much longer, but for the cowardice of their dastardly commander, who provided for the safety of his own person at the expense of the devoted city. The French entered in triumph. The ladies and citizens’ wives solicited the general to spare their honour; he promised, and ordered them to retire to one of the remaining churches, where, contrary to his engagement, they were ravished by the brutal troops: the church was then set fire to; and the only place of refuge, which heathens would have held as sacred, was consumed to ashes. The rest of the inhabitants, who amounted to 15,000 in number, were stripped of all they had, and obliged to fly their paternal walls comfortless and naked. When the most Christian king of France heard of the city of Heidelberg being again taken, he ordered the Te Deum to be sung in the churches at Paris, and a coin to be struck, which represented the town in flames, with the inscription ‘Rex dixit, et factum est.’ The commanding officer, De Heydersberg, however, was punished according to his deserts. As soon as he arrived at the camp of Heilbron, he was immediately arrested, and a court martial held upon his conduct, which condemned him to the following punishment: — Being a knight of the Teutonic order, he was taken by the grand master to the Teutonic house at Heilbron, and there equipped in his full habits, with all the ornaments of chivalry. He was then addressed in the character of knight; his crimes and breach of honour were laid before him, and he was declared an unworthy member of that illustrious society, and that he had disgraced and forfeited his cross; his robes were then torn with violence from his shoulders, and the riband from his neck; he was struck twice across the face with the cross; and at last the youngest knight led him to the door of the hall, and kicked him out; a guard waited to receive him, and the disgraced knight was conducted immediately to prison. On

the third day he was taken, in the common executioner's cart, to the camp, and carried through the lines, from one wing to the other of the whole allied army, which was expressly drawn out for the purpose : he was then brought before his own regiment, where he descended from the cart to hear his sentence publicly pronounced ; which was, that all his estates should be confiscated, and his head severed from his body by the sword of the common executioner. He begged for a long time that he might be shot, instead of being beheaded, which was the death of the vilest malefactor ; but his entreaties could not prevail ; till at last, just as the executioner was prepared to perform his office, an order came to have his sentence changed to one still more disgraceful. The executioner then hung his sword by his side, but took it back immediately, broke it in pieces before his face, and after he had struck him three times on the head with the hilt, threw it at his feet : after which he was banished for ever from the territories of Austria, and the circles of Swabia, Franconia, and the Upper Rhine. He was then obliged to ascend his cart again, and was carried over to Necker, where the executioner unbound him ; and in this miserable condition set him again at liberty, poor, and branded with infamy." \*

The result has been the almost total ruin of the reformed religion in these fine provinces. The son of Philip Wilhelm, who succeeded to the Palatinate in 1690, was even more intolerant than his father. Every possible favour was shown to the catholic, while simple justice was denied to the protestant, who was held in almost the same estimation as the Jew ; to whom the honourable offices of the state and magistracy were inaccessible, and who was ground to the earth by harassing and vexatious regulations. The consequent emigration of many thousands to other parts of Germany, and of a still greater number to the United States of America, did not add much to the prosperity of the reformation in this part of Germany. Such is a forcible illustration of the benefits which that reformation derived from its friendly league with Catholic France ; from its rebellion against the lawful head of the empire ; from that spirit of religious rancour, of which no true

\* Pütter, Historical Development, vol. ii. p. 826. n.

Calvinist even—and the Palatinate was at one time peopled about wholly by Calvinists—was ever destitute ! \*

JOSEPH I., son of Leopold, who had been declared hereditary king of Hungary, and in 1690 had been elected king of the Romans, necessarily succeeded to the imperial crown. His reign was short, but fruitful in great events—events, however, which are well known to every reader.—1. His foreign wars were brilliantly successful. In the Low Countries, the victories of his general Eugene, and of the greater Marlborough, brought France to a state of degradation which she had never experienced since the conquering days of Creci, Poitiers, and Agincourt. Louis was so far humbled, that, besides relinquishing all his former conquests, he proposed, as a condition of peace, even to abandon his nephew Philip V., whom he had placed on the troubled throne of Spain, and to acknowledge the archduke Charles, brother of the emperor, who was then fighting for the Spanish crown in Catalonia †, as king of Spain and the Indies. Unfortunately for the peace of Europe, the allies, infatuated by excess, refused the conditions, and the war was continued. In the Netherlands, it was still decisive for the allies. In Italy, it was equally so—Naples having submitted to the archduke, his brother. In Spain, where Joseph died in 1711,—a death prematurely occurred by the small-pox, he had the satisfaction to learn that, after various alterations, Philip was expelled from the capital, and his brother acknowledged by nearly all the great cities of the kingdom.—2. Internally, the reign of this emperor is remarkable for the suppression of the Bavarian electorate, in punishment of the tenacity with which the late elector had clung to the alliance of France; and for the transfer of the dignity to the count palatine. Hence, as, in accordance with a prior regulation, the eighth

\* The histories of Leopold's reign.

† For the interminable war of the Spanish succession—a subject to which we can scarcely so much as allude—the reader is referred to the History of Spain and Portugal, vol. v.

electorate, which had been created for the count palatine, was suppressed, the electoral college had one member less. The general happiness of this emperor was, indeed, embittered by a rebellion in Hungary,—an event of perpetual recurrence,—but here, too, he triumphed. He was, indeed, a great prince—one of the greatest that have ever adorned a house more fertile than any other in wise and good men. Like his immediate predecessor, he was so learned—an advantage for which he and they were indebted to the Jesuits—that he might have passed for a lawyer or an ecclesiastic: like them, he was indefatigable in discharging the duties of his station; like them, he was charitable, humane, accessible, patriotic: but, unlike most of them,—and here is his proudest distinction,—though attached to the Roman catholic faith, he was no bigot, no persecutor; in principle and practice alike he was tolerant. His chief defect was lubricity in regard to women.\*

- 1711 CHARLES VI.—By the death of Joseph, the archduke  
to Charles, who was striving for the Spanish crown, as the  
1740. last male heir of the house of Hapsburg, was the only  
candidate for the imperial throne. Forsaking the scene  
of his battles, Charles hastened from Barcelona to seize  
the more brilliant prize then offered him by his bro-  
ther's decease, yet without abandoning any of his claims  
to Spain and the Indies. But the public mind of  
Europe was now changed. If the war with France had  
been undertaken chiefly from a dread lest the crown of  
that country and of Spain might be placed on the brow  
of a Bourbon, the objection was even stronger against  
the union of the Spanish and of the imperial crowns,  
with those of Hungary and of Bohemia, on the brow of  
an Austrian. From this moment it was evidently the  
object of the allies to make what terms they could with  
Louis XIV.—to acknowledge Philip V., provided se-  
curity were given that the two thrones were never filled

\* Struvius, *Corpus Historiarum*, p. 1451, &c. Pfeffel,  *Abrégé Chrono-  
logique*, tom. ii. (suè annis). Schinidt, *Continuation*, lib. x. Coxe, *House  
of Austria*, chap. 72—79. With the general histories of Europe.

by the same prince, and provided the boundaries of the French monarchy on the Belgian and Germanic frontier were drawn within narrower limits. The fall of the whigs in England, and the accession of the tories to power, strengthened the desire ; and it was evident, that if England withdrew from the confederacy, the war would soon be at an end. Hence, negotiations were opened ; Philip, the reigning monarch of Spain, renounced the throne of France ; and after some manœuvring, peace was concluded at Utrecht, between all the European powers, except France and the empire, on the 31st of March, 1713. As the emperor was resolved to continue the war, the conditions may briefly be stated. After providing against the possibility of the two Bourbon crowns ever being united, the conquests made from the duke of Savoy were restored to him : the elector of Brandenburg was recognised as king of Prussia ; and though he was compelled to surrender the principality of Orange, and the lordship of Châlons, which he had received from the house of Orange, as the condition of his joining the grand alliance, he was amply compensated by the Spanish Guelderland, with the sovereignty of Neufchâtel. The Rhine — a condition which, after the splendid victories of Marlborough, nobody would have expected — was fixed as the boundary of the French and German possessions : Milan and Naples were ceded to the house of Austria : the Spanish Netherlands were declared subject to the same family ; though the exiled elector of Bavaria was allowed to retain, provisionally, the places which, with the assistance of France, he had obtained : a new line of frontier, from Luxemburg to Mons, was determined between France and the Low Countries : Anne was acknowledged as queen of England ; and the succession to rest in the house of Hanover. After some desultory operations, the emperor, feeling that he was unequal to the weight of the war, concluded peace with France, the following year, at Baden. The conditions were much less favourable than he might have commanded at

Utrecht. At the demand of Louis, the elector of Bavaria was restored to all his honours and possessions ; the elector of Cologne, who had also taken part with France, had the same good fortune ; Landau remained with this power — Brisac, Friburg, and Kehl only being restored to the empire. The part, however, as to the Netherlands, Milan, and Naples, remained in force ; and the electorate of Hanover was recognised. With this peace the protestants were justly dissatisfied, as it did not repeal the obnoxious article enforced by France in the treaty of Ryswick,—an article which, as we have before observed, preserved things in the state to which Louis XIV. had changed them. The catholics, were, however, determined to hold the advantages they had gained. Hence a more furious rivalry between the two, which often threatened the internal peace of the empire ; but which imperial edicts, and apparent concessions from the elector palatine, as often allayed. Hence, too, the frequent dissensions in the diet ; and, whenever the reformed deputies perceived that they should be outvoted, their right of secession, — *Jus eundi in partes*, — a clause wrung by the protestants at the peace of Westphalia. This right of secession was their only remedy when they were numerically the weaker ; since it legally sanctioned their resistance. There was, however, some dispute as to the meaning of *in partes*. Did it involve the right of total secession, and thereby of arresting the decision of the diet ? or, did it recognise that of amicable arrangement in other places than the hall of assembly ?\* Nothing can better exhibit the carelessness — perhaps we might say knavery, since it might purposely be left indefinite — of the Germanic legislators, than the fact that a clause of so much importance was left uncertain. In itself, it contained as much evil as good ; since, if it provided the reformers with a defence whenever their privileges were menaced by a preponderating force, in the same manner it allowed them to resist even where the subject under consideration was for the manifest good of the empire ; in

other words, it allowed the minority to counterbalance the efforts of the majority, and often to arrest the course of wise legislation. For it must not be forgotten, that, though this celebrated clause was originally applied only to cases of religion, it was soon extended by the protestants to every other case. But, suppose, as was often, indeed generally, the fact, there should be a division among the protestants who thus seceded—that the Evangelical Union were split into two bodies. Should the affair be decided by the majority of votes? If this were allowed here, with what justice could the same mode of decision be refused to the collective body constituting the diet? If it were refused, what way remained of enforcing a decision? Here was a dilemma: it ended in the adoption of the former alternative, outrageous as this was to all reason and justice.—Reverting, however, to the subject more immediately before us, Charles, though dissatisfied with the boundary traced towards the French, was compelled, in 1755, to sanction a treaty equally disagreeable in regard to the limits between the Austrian Netherlands and the United Provinces. He conceded to them the right of maintaining garrisons in Namur, Tournay, Menin, Ypres, Furnes, Comines, Dendermand — at the expense, too, of these places. Again, if he had been forced to make peace with France, he had refused to include Spain, since he would not consent to relinquish his claims to the throne of that country. Philip, in consequence, plundered the island of Sardinia, which belonged to the duke of Savoy, created, in conformity with the last treaty, king of Sardinia. In 1718, however, Charles acknowledged Philip as lawful monarch of Spain; the island was restored to Victor Amadeus; and don Carlos, a son of Philip, was promised the investiture of the grand duchy of Tuscany, Parma, and Placenza.—The following years were passed in treaties, which, if concluded one year, were evaded the next; because their repetition renders, it was hoped, greater obligations; but monarchs are seldom disposed to regard

what it is their present advantage to break. Throughout Europe there was continued distrust,—the natural result of faithless dealings. Sometimes the contracting powers openly seceded from the alliance which they had just formed, and entered into treaty with the state which they had just agreed to oppose. The position of the parties continually varied; and the whole policy of Europe, which was directed by the meanest considerations, was as fluctuating as it was short-sighted. This, however, is not a European history; and we cannot even advert to the changes which perpetually confused the political horizon. Sometimes negotiations were abandoned for open hostilities. New interests perpetually added to the entanglement of affairs. Thus, the emperor and the French king supported the claims of different candidates — theirs was, as usual, elective — to the Polish crown: Augustus III. of Saxony being preferred, and Stanislas Leczinski compelled to flee, France, in revenge, invaded the empire. In 1738, France consented that Stanislas should renounce the Polish crown, in return for the duchies of Lorraine and Bar, which, on his death, were to be incorporated with the French monarchy. But there was already a duke of Lorraine, a faithful ally of the Austrian house, who, two years before, had married the eldest daughter of Charles. As he had been driven from that province by France, he was not averse to receive, by way of compensation, the eventual succession to the grand duchy of Tuscany. Hence it was necessary, again, to satisfy don Carlos, who had, in several preceding treaties, been ensured the same advantage. But, by the aid of Spain, Carlos had just conquered both Naples and Sicily; and in the present treaty of Vienna, as the condition of resuming Tuscany, he was acknowledged king of the Two Sicilies. During the two following years, which were the last of this emperor's reign, he enjoyed peace with all Europe except the Turks, who had long infested Hungary. With them, too he concluded (1739) peace, on conditions little honourable to the Austrian

arms. He ceded Servia, with the important fortress of Belgrade; recognised part of Wallachia as a dependency of the Porte; and consented that the limits of Hungary should in future be the Danube and the Save. This reign was, indeed, an inglorious one. "He succeeded to his dominions," says a modern historian, "in a high state of power and splendour; and left them in the lowest degradation and weakness." He was humbled by almost every power which drew the sword against him,—a fact illustrating both his want of talents for war and the incompetency of his ministers. In his internal administration, he is more entitled to respect. In his Austrian dominions, he opened new roads and canals, constructed bridges, encouraged commerce, improved the laws, and exhibited so much clemency, that he was called the Titus of his age. In the empire he was not so fortunate — rather from the obstacles he encountered in the execution of his designs, than from any other cause. But his chief concern, throughout his reign, was directed to the choice of a successor,—a matter which, as he was the last male of his house in a direct line, and as there were other females in it whose claims might clash with those of his own daughters, was of difficult arrangement. By his empress, he had, 1. Maria Theresa, married, in 1738, to Francis Stephen, first of Lorraine, and next grand duke of Tuscany; 2. Maria Anna, married four years after his death to prince Charles of Lorraine, brother of the Tuscan grand duke.\* If the succession to the hereditary dominions of his house was to rest in his own children,—a law of undoubted obligation,—his eldest daughter was his heir. But two nieces remained, who, as the daughters of his elder brother the emperor Joseph, might advance claims which, when supported by a powerful armed force, were likely to endanger the suc-

\* A son and a daughter, the first and last of his issue, preceded him to the tomb,—the archduke Leopold dying in 1716, the archduchess Maria Amelia in 1780.

cession of his own daughters. There were, 1. Maria Josepha, married, in 1719, to the elector of Saxony, afterwards Augustus III. of Poland ; 2. Maria Amelia, the wife of Charles Albert, elector of Bavaria. To guard against a contested succession, the emperor, early in his reign (1713), published the famous Pragmatic Sanction ; by which he vested the succession first in his male children, if he should have any that survived him (perhaps he was distrustful of his infant son Leopold's life), and secondly, in their default, in his female children in the order of primogeniture ; only in case both died without issue, was the succession to rest in the daughters of Joseph. Lest, however, this act should not be sufficient, he compelled both his nieces and his daughter to sanction it, when their hands were given to princes whose opposition might be troublesome. Thus, in 1719, Maria Josepha renounced all claim to the succession, unless the posterity of Charles, both male and female, should be extinguished. Thus also, in 1722, Maria Amelia, on her marriage with the electoral prince of Bavaria, recorded her unconditional acceptance of the Pragmatic Sanction. In like manner, the archduchess Maria Theresa, on her union (1736) with the duke of Lorraine, renounced, for herself and her descendants, all claim to the inheritance, if her father should have a male child, or if her younger sister Maria Anna should have one before her father's death. Still Charles was not satisfied until he had procured the guarantee of this celebrated Sanction both from the diet of the empire and from the chief powers of Europe, from France and Spain, from the Two Sicilies and Denmark, from Bavaria and Saxony, from England and Poland, from the empire and Russia. Of what avail were *some* of these solemn engagements, we shall soon perceive.\*

\* Authorities : — Struvius, *Corpus Historiae* ; Schmidt, *Continuation* ; Pfeffel, *Abrégé Chronologique* ; Barré, *Histoire de l'Empire* ; Denires, *Delle Rivoluzioni della Germania* ; Coxe, *House of Austria* ; with the general historians of Europe, especially those of France.

CHARLES VII.—By the death of Charles VI., 1740 Maria Theresa was, in accordance both with the rights of blood and the faith of treaties, the lawful sovereign of Bohemia, Hungary, Austria Upper and Lower, Silesia, Styria, Carinthia, Carniola, Burgau, Brisgau, the Tyrol, Friuli, Milan, Parma, Placenza, the Netherlands, and part of Swabia. Of this vast inheritance she accordingly took undisputed possession. But she had soon to experience the faithlessness of princes. Charles Albert, elector of Bavaria,—a house which, from its alliance with France, and its own ambition, seemed destined to be the curse of the empire and the house of Austria,—claimed Bohemia. Augustus of Saxony, who, like his queen, had agreed to the Pragmatic Sanction, and by so doing had procured the support of Austria in his election to the throne of Poland, with great modesty demanded the whole of the Austrian dominions. A similar demand was made by the king of Spain, in virtue of his descent from an Austrian archduchess ; by the king of France because an archduchess had once been the consort of an ancestor ; while the king of Sardinia, unable to cope with monarchs so powerful, showed his superior moderation, by declaring that he would be contented with the duchy of Milan. The appearance of a young helpless female on the thrones of these vast possessions, opened to these chivalrous princes a glorious prospect for the dismemberment of her states. But while they were carefully apportioning their respective shares of the spoil, a new and more dangerous competitor appeared in Frederic king of Prussia. Leaving to others the task of supporting imaginary claims by subtle arguments, he burst at once into Silesia, conquered the greater part of that duchy, and then magnanimously proposed to remain neuter in the queen of Hungary's impending warfare with other enemies, provided Lower Silesia were conceded to him for ever. The high soul of Maria Theresa scorned the overture ; but, her army being defeated, she was in the end compelled to accede. No sooner, however, was this object gained, than the

philosophic king, whom posterity has misnamed the Great, in accordance with his governing principle, that every prince must of necessity pursue his present advantage, and learning that France was invading the empire, renewed the war, declaring that he must also have Upper Silesia. In the mean time, France, though she had guaranteed the Pragmatic Sanction, marched an army into Germany, to support the pretensions of the Bavarian elector, and to place him on the imperial throne. As the condition of such aid, she was promised the irrevocable possession of whatever conquests she might make in the Low Countries, not doubting that she could subjugate the whole. In consideration of this tempting advantage, she agreed, in a solemn treaty with the equally magnanimous Prussian monarch, that *he* should preserve most of Silesia ; that Poland should have Moravia and the rest of Silesia ; that the elector of Bavaria should have Bohemia, Upper Austria, and the Tyrol ; thus leaving to Maria Theresa, if she could retain them, Lower Austria and Hungary. But, though menaced by these royal bandits, the queen did not despair : supported by Hungary, which exhibited the most chivalrous devotion to her cause, she commenced a career of warfare highly glorious to the Austrian arms. She could not, indeed, prevent the frequent invasion of her territories, especially of Bohemia, by the Bavarians, French, and Prussians, nor the forcible elevation of the Bavarian elector, Charles VII., to the imperial throne. But this election did not take place before 1742 ; and Charles, driven from his hereditary states, and every where humbled by the Austrian arms, enjoyed his vain dignity only three years. He was the vassal of France ; the puppet of the French court ; and the rest of Germany, not even excepting Hanover, which was forced to neutrality, was virtually a province of the same monarchy. But if George was thus prevented from succouring his ally as elector of Hanover, as king of England he could despatch money and troops to her service ; and it was partly by this aid, small as it was, that she

was enabled to triumph. That triumph, however, would have been greater, more glorious, more enduring, had she used her success with moderation. But she became arrogant in proportion to that success, insisting on the total ruin of those who had sought *her* ruin. Her vengeance was not to be gratified. If the French army was expelled in one campaign from the empire, it reappeared the next spring : if Frederic was humbled in this battle, he was victorious in the next. On the whole, however, her administration during the reign of Charles was singularly glorious : and that emperor himself, just before his death, lamented his indiscretion in consenting to become a tool of France ; and earnestly exhorted his son, Maximilian Joseph, to seek a reconciliation with the house of Austria.\*

FRANCIS I.—The open violence of France had se- 1745  
cured the election of Charles VII. She was now un-  
able to support a candidate ; as Maximilian Joseph, in  
accordance with his father's last instructions, obtained  
peace with Austria, approved the Pragmatic Sanction,  
and even consented to vote for the grand duke of Tus-  
cany, husband of Maria Theresa. While the diet as-  
sembled at Frankfort, the duke himself, at the head of  
an Austrian army, overawed the French. In Septem-  
ber (1745) he was duly elected, two members only of the  
college — Brandenburg and the Palatinate — refusing to  
acknowledge him ; and even they, by separate treaty,  
eventually submitted. In return, the Prussian king was  
secured in the possession of Silesia. — The reign of  
Francis I. was one of troubles. Involved in perpetual war  
with France or Prussia ; menaced, now in Austria, now in  
Bohemia, now in Italy, where he had every thing to  
fear from the kings of Naples and of Spain ; victorious  
one day, humbled the next ; his throne was not one of  
down. In the treaty of Aix-la-Chapelle (1748), Francis  
was acknowledged by all the European powers ; Austria  
1745.  
to  
1745.

\* Coxe, *House of Austria*, vol. ii. (Reign of Maria Theresa). Russell,  
*Modern History of Europe*, vol. iv. Denina, *Delle Rivoluzioni*, lib. xvi.  
cap. 11, 12, 13. With the general histories of Europe, those especially of  
France.

recovered the Low Countries, which had been conquered by France ; but Silesia and the lordship of Glatz were confirmed to the king of Prussia ; Parma, Placenza, and Guastalla to don Felipe of Spain, with, however, the eventual reversion to the house of Austria ; and some districts were ceded to the king of Sardinia, as duke of Savoy. A seven years' peace followed,—if that can be called peace, where the parties, by negotiations and intrigues, are actively supplanting each other, and preparing for war. The interval, however, led to a complete change in the policy of the house of Austria. From the accession of Frederic, the line of Brandenburg had made fearful strides towards the chief authority in Germany. The frontiers had been greatly extended, not only in the east, by Silesia, Glatz, and some dependencies of Poland, but in the west by part of Friesland ; and the military power of the kingdom, under its martial chief, been so augmented and disciplined, as to cause just alarm to the rest of Germany. To resist France and Prussia at the same time, was impossible : hence Maria Theresa turned her eyes to the hereditary and inveterate enemy of her house, whose alliance would at least secure the Netherlands and Western Germany from subjugation, and enable her to direct her undivided efforts against the ambitious and unprincipled Frederic. She had found by experience that little dependence was to be placed on her former allies, the English and Dutch, whose object was almost uniformly selfish — the extension of their commerce ; and who, having led her into a serious war, generally abandoned her when that object was secured. As Francis was exactly in the same position, he naturally made common cause with his empress. Both were still more justified by the fact, that England was the first to make alliance with the most formidable enemy of the Austrian house ; for George II. and Frederic were united before Maria Theresa became connected with France. How little the reliance to be placed on

human consistency ! The position of all the parties was now changed. That of Frederic seemed the most perilous ; since he had to encounter France, Austria, and even Russia, which was in alliance with Austria ; yet he had but one considerable ally—England—whose insular situation and commercial habits alike rendered her unable to cope with the great powers of the continent. In the seven years which followed (1756—1763), the fact was abundantly proved ; the vacillation of the English ministry, the imbecility of the English generals, especially of the duke of Cumberland, who had neither the courage nor the ability requisite for a mere subaltern, compelling him to rely on his own resources. While, with inconceivable cowardice, “the hero of Culloden” surrendered a fine army, without striking a blow, to the enemy, and a powerful sea armament returned from the coast of France without firing a shot, Frederic, after some bloody but indecisive battles, witnessed the invasion of his dominions by overwhelming armies of Russians and Austrians, while the French were acting offensively on his western frontier. In these critical circumstances, his ruin seemed inevitable ; but, though his troops scarcely equalled one third those of his assailants, the resources of his mind enabled him to triumph. He inflicted such deadly defeats on the Austrians, that they were compelled to seek shelter in Bohemia ; while the Russians, who laid waste the country on every side, found the desert which they had made unable to support them, and were equally compelled to retire. Yet they retired only to return ; and if Frederic was often victorious, he was also sometimes vanquished ; while even his advantages were bought at such an expense of blood and treasure, that they were scarcely less hurtful than defeat. Such was the general complexion of the war ; such the alternations of success and failure ; such the invariably lamentable result of both. Thus, if, in 1760, Berlin itself, during the king's absence in Saxony, was plundered by the combined Austrians and

Russians, the victory of Torgan, which immediately followed, forced the Austrians beyond the Elbe. In 1762, on the accession of Peter III. tsar of Russia, Frederic had one enemy less ; and though that eccentric monarch was speedily deposed and succeeded by Catherine II., the peace with Prussia was still maintained. The tsarina, indeed, had contemplated with unmixed admiration the heroic efforts of Frederic against combined Europe ; his constancy in adversity ; his cool yet resolute defence ; his wonderful mental resources ; his unbounded authority over his army, which he moved with as much facility as a machine ; and the extraordinary measures by which he made Europe tremble at the very moment his fate seemed, to every human eye, sealed. But the most powerful advocates for peace were the inhabitants of Saxony, Prussia, Brandenburg, Silesia, Bohemia, and of the other provinces on which the burthen of the war had rested ; which were now so dreadfully wasted, as to require years of tranquillity, directed by the most enlightened and patriotic views, to restore. In compliance with the universal cry, with the very dictates of necessity, conferences were opened at Hubertsburg in Saxony, and the conditions of peace signed in February, 1763. Silesia and Glatz were renounced ; all conquests and prisoners restored ; Frederic and Maria Theresa guaranteed each other's dominions ; the empire, as well as Austria, was included in the pacification ; and in a secret article, the Prussian monarch engaged to assist the archduke Joseph, eldest son of empress, in obtaining the imperial crown. About the same time France and England were reconciled by the treaty of Paris ; so that peace was restored throughout all Europe, except between Russia and the Porte. The following year, Joseph was elected king of the Romans\* ; and in 1765, on the death of Francis I., he became the acknowledged head of the empire.†

\* For the manner in which a German sovereign was crowned, which may gratify a passing curiosity, see the Appendix.

† Cox, House of Austria, vol. ii. (Reign of Maria Theresa). Denina,

JOSEPH II. had little power. Without one foot of territory,—his mother Maria Theresa being sovereign of all the Austrian states, and his younger brother Leopold of Tuscany, which he had exchanged for the throne of the empire,—he would soon have been hurled from it by the ambitious monarch of Prussia, had not the Austrian armies maintained him on it. For some years he was not engaged in war; and he had no other employment than to witness the salutary reforms which Maria Theresa introduced into the administration of Austria: indeed, during her life, he was no less a cipher than his father had been; nor could all his efforts, all his intrigues, wrest the sovereign authority from her hands. Hence he rather acquiesced in, than effected, the infamous partition of Poland (1773) between his mother, the empress of Russia, and the Prussian monarch. Yet he approved the act; and that his spirit of aggrandisement was still unsatisfied, appeared from the zeal of Maria Theresa and himself in regard to the Bavarian succession,—an event which again kindled the flames of war in Germany. At the close of 1777, the elector of Bavaria, Maximilian Joseph, died without male issue. The heir to all the possessions of this house, except the allodials, which, as they descended to females, were claimed by the elector of Saxony in right of his mother, was, doubtless, Charles Theodore, the elector palatine, who claimed,

1. As descending from Otho of Wittelsbach, the common trunk of the Bavarian and palatine houses.
2. In virtue of the convention of Pavia, in 1329, which declared the heritage inalienable; the succession, on the extinction of either house, being recognised in the other, and which was sanctioned by the emperor then reigning, Ludovic V.
3. In accordance with the Golden Bull, which established the same indivisibility, and the same right of succession.
4. In consequence of an

Delle Rivoluzioni della Germania, tom. vi. lib. 16. et 17. Russell, History of Modern Europe, vol. v. With the general histories of Europe, especially those of England and France.

article in the treaty of Westphalia, which secured to the palatine branch of the house the reversion of the fifth electorate. But the duke of Mecklenburg Schwerin insisted on the dismemberment of Bavaria, by claiming the landgraviate of Leuchtenburg, in virtue of an investiture conceded by the emperor Maximilian in 1602 ; and Austria, still more insatiable, claimed, 1. Such parts of the Upper Palatinate as had formerly been dependent on the crown of Bohemia. 2. The whole of Lower Bavaria, in virtue of the investiture granted to the Bavarian house of which she was a representative, by the emperor Sigismund. 3. The lordship of Mindelheim, in Swabia, the reversion of which had been granted to the house of Austria, in 1614, by Matthias : 4. The allodials of the extinct house, in virtue of her descent from its ancient princes ; contending that, in this respect, the very laws of succession called her to the heritage, in preference to the elector of Saxony. Lastly, Joseph himself asserted his right to certain lordships, which, as small fiefs, were now lapsed to the empire.

Convinced how much depended on the promptitude of his motions, Joseph ordered possession to be taken of the whole electorate some days before the death of Maximilian ; and, to remove the most lawful competitor, he persuaded the count palatine, who had no issue other than a natural son, to surrender his claims to Bavaria. But the duke of Deux Ponts, the presumptive heir to Charles Theodore, protested against the usurpation, to Prussia, to France, to the diet of the empire, to Russia. Had the house of Austria been suffered thus to engross these fine provinces, she would have become too powerful for the other German states, and formidable to the rest of Europe. Frederic of Prussia was the first to remonstrate against this project, to proclaim the rights of Charles Theodore, as founded on a law of the empire, the violation of which he could not witness unmoved ; and his representations were aided by those of France and Russia. After some

vain attempts at negotiation, Frederic poured an overwhelming army into Bohemia, which laid waste the country to the walls of Prague. But Maria Theresa, now advanced in years, dreaded nothing so much as another war, especially with such a man as the Prussian king, who might one day dismember her hereditary possessions, and dethrone her son. In this apprehension, and without so much as consulting Joseph, she opened secret negotiations with Frederic ; and after some time, France and Russia acting as mediators, peace was restored at Teschen (1779), on conditions widely different from those which the emperor and her son had demanded. Bavaria was restored to Charles Theodore, together with the fiefs which had once belonged to the Bohemian crown, and even the promise of those which depended on the empire ; while a separate treaty between Charles and the elector of Saxony reconciled the claims in regard to the allodials. Yet Austria gained, by this peace, that part of the circle of Burghausen which lies between the Danube, the Inn, and the Salsa ; and Frederic, the presumptive heir to two margravates, Anspach and Bareith, — a right which Austria had always opposed, — extorted an engagement that no opposition should in future be made to the union of these possessions with the electorate of Brandenburg. The peace, however, was odious to Francis ; but, as he was not yet the sovereign of the vast Austrian dominions, — of Hungary, Bohemia, Upper and Lower Austria, the Tyrol, Carinthia, Carniola, Styria, Milan, and the Low Countries, — he was compelled to submit. He consoled himself, however, by hopes of the future. One of his most politic schemes was to separate the interests of Russia from those of Prussia ; and, for this purpose, he hastened to meet Catherine, with whom he passed some weeks at the court of St. Petersburgh. Flattered by this mark of respect from the most dignified sovereign in Europe, that princess was easily persuaded to forsake Prussia for Austria.—On the decease of Maria Theresa, in 1780, Joseph gave vent to

his long-suppressed ambition. Master of such boundless states ; secure of Tuscany, through his brother Leopold the grand duke ; of Modena, Mirandola, and Reggio, through the marriage of his brother Ferdinand with Maria Beatrix, heiress to those possessions ; of Cologne, through his brother Maximilian, whom the chapter had elected coadjutor to that archiepiscopal electorate ; and believing, from the marriage of his sister, Marie Antoinette, with the dauphin of France, afterwards Louis XVI., that France would not openly thwart this projects,—there seemed, indeed, nothing too high for his reach. But never were expectations more cruelly disappointed. 1. His first object was to abolish the Barrier Treaty, by which several important fortresses in the Austrian Netherlands were garrisoned with troops belonging to the United Provinces. He did not reflect that this treaty was framed to resist the ambition of France, which, as Great Britain and the states-general were guarantees of it, could not invade the Netherlands without provoking the hostility of those powers. Infatuated by his connection with the court of Versailles, and taking advantage of the war which now raged between the two maritime countries, he called on the states to evacuate the fortresses, and gave orders for their demolition. All accordingly were destroyed, except Luxemburg, Ostend, Namur, and Antwerp. The ease with which he enforced this important point, emboldened him to insist that a new line of frontier between the Austrian Netherlands and the States should be traced ; in other words, that his possessions should be augmented at the expense of Holland. He promised, however, to desist from these obsolete claims, provided the navigation of the Scheldt were thrown open to the vessels of his subjects. The Dutch, true to their commercial monopoly, fired on an imperial brig which attempted, in compliance with the emperor's orders, to force the passage of that river. In the end, France, which had need of the Dutch alliance, opposed him ; and he was forced to accept (1785) a sum of

money by way of indemnity for renouncing Maestricht and the navigation of the Scheldt. He might now open his eyes to his true position in regard to France, but this knowledge did not teach him moderation. Equally fruitless, and from the same opposition, were his efforts to aggrandise himself on the side of Turkey. Though he aided Catherine with his troops, the only result was the transfer of the Crimea to Russia : when *he* prepared to procure some less important cession for himself, France threatened him with a hostile coalition unless he desisted. His third project, to exchange the Netherlands for Bavaria,—a project in which he no less blindly relied on the co-operation of his brother-in-law, Louis XVI.—was as unsuccessful. In this object he had little difficulty in procuring the concurrence of Charles Theodore, to whom the Netherlands, with the regal title, appeared more attractive than his hereditary duchy ; France he hoped to gain by the offer of Luxemburg and Namur ; the United Provinces by other concessions ; his subjects, about to be thus transferred, by the extension of their commerce in the East Indies ; and the Germanic diet, through the electors of Bavaria, Cologne, and Treves, who engaged to support him. The kings of Sardinia, Prussia, and Great Britain, indeed,—the first, from the preponderance which the new requisition would give an enemy in the affairs of Italy ; the second, from that which the same power would obtain in the empire ; the last, from the obligations of the guarantee,—would be sure to oppose him : but, aided by the advantages he possessed, and by the promised support of Russia, he persisted in his purpose. Alarmed at the progress of the negotiation, Frederic excited the duke of Deux-Ponts to appeal to foreign powers ; while he himself so artfully wrought on the fears of the Germanic princes, that a league was formed by them to maintain the integrity, not only of the empire in general, but of each state in particular. In sullen discontent, the emperor was compelled to bend before this formidable coalition. On the death of the

great Frederic (1786), he expected to resume the superiority of his house over the empire ; but in this expectation he was equally doomed to disappointment. Thus rid, however, of a formidable rival, and convinced that, from the internal distractions of France, he had little to fear from the opposition of that power, he again turned his eyes towards Turkey. By renewing his alliance with Catherine, and appearing as a principal in the war with the Porte, he hoped to extend the boundary of his empire in the east. This war commenced in the spring of the year 1788 ; but, though he was at the head of a great army, his own operations covered him with disgrace, while those of his general, Loudon, were crowned with honour : in the whole campaign, though he lost 30,000 men by the sword, and more by pestilence, he subdued only four insignificant fortresses. Had Russia been able to co-operate zealously with him, the result would have been different ; but an irruption of the Swedes into Finland, and a demonstration even against the capital, recalled the troops of Catherine from the shores of the Black Sea to those of the Baltic. In the following spring (1789) hostilities were renewed, and with greater success. The Turks were signally defeated ; fortress after fortress was reduced ; until Belgrade, which had once been the bulwark of Christendom, again fell into the hands of the emperor, and until the frontier towns of European Turkey were in the hands of the two imperial allies. It seemed, indeed, that the intention of both to share the vast provinces from the Bosphorus to the Adriatic, and from the Danube to the Grecian Archipelago, was about to be realised, when the important events now occurring in Western Europe arrested the triumphant progress of the Austrian arms.\*

1780 From the death of his mother, Joseph had been a  
to reformer,—in some respects, a hasty and inconsiderate  
1790. one. In his eagerness to place his subjects on the same

\* The general histories of Europe ; and above all, Coxe, House of Austria, vol. ii. (Reign of Joseph II.).

level, he overlooked the circumstances of religion, manners and language, habits and opinions, which, though in themselves absurd, time had consecrated ; and to explode which required, not sudden efforts of power, but a gradual caution, and patient succession of measures. In regard to language, struck with the variety (ten in number) which prevailed in the different provinces submitted to his house, he endeavoured to introduce the German alone, commencing with Hungary and Bohemia. His efforts were vain : if a few, ambitious of public dignities, learned a language which was exclusively employed in the administration of justice, and in the offices of government, the majority exclaimed against the innovation ; and alarmed the nation, by insinuating that the abolition of the native language would be followed by that of their ancient privileges. Nor was the insinuation unfounded. All separate jurisdictions were soon abolished, and the Austrian monarchy was divided into thirteen governments : 1. Galicia ; 2. Bohemia ; 3. Moravia, with Austrian Silesia ; 4. Lower Austria ; 5. Interior Austria, or Styria, Carinthia, and Carniola ; 6. Exterior Austria, or the possessions in Swabia ; 7. Tyrol ; 8. Transylvania ; 9. Hungary ; 10. Croatia ; 11. Lombardy ; 12. The Low Countries ; 13. Goritz, Gradisca, Trieste. Each government was subdivided into circles, or districts, the number varying with the extent. Over each subdivision was a magistrate, the captain of the circle, who presided over the administration of justice, and protected the peasants from the oppressions of feudalism. In the capital of each government was a court of justice, with two tribunals, — one for the nobles, the other for the rest of the people ; and the right of appeal was established through graduated ascents, until a cause was finally decided by the supreme tribunal of Vienna. The police was confided to a separate branch of administration, with the same subordination of offices : the military department was the same ; and all were immediately controlled by the imperial chancery at Vienna. In these innovations there

were two great advantages,—the remarkable promptitude with which public affairs were despatched, and the exemption of the peasantry from the tyranny of local hereditary tribunals. But there were also disadvantages more numerous and great. In the first place, the authority of the provincial states, which had always been a barrier against the usurpations of the crown, was either abolished, or so circumscribed as to be nearly useless. In the second, the will of the sovereign was declared to be the basis of all administration. In the third, this violent suppression of what had for ages been regarded as sacred, was dangerous; since it taught one party to detest the throne, and, in another, weakened the reverence due to all authority. And even in carrying into effect measures which in themselves were salutary, he outraged always the prejudices, often the interests, of others. Thus, in his celebrated Edict of Taxation, which, by changing the nature of the impost on land, was designed to relieve the peasant from feudal vassalage, he forgot to indemnify the landholders; he raised, in some places, the impost to a far higher rate than it had ever been, and introduced his reforms with so much violence, as to indispose high and low, rich and poor. By abolishing all feudal distinctions, all manorial rights, especially titles, heriots, corvées, task-works, he certainly did good. Except in Lombardy, the Low Countries, and the Tyrol —

“ All the lands were divided into feudal or signorial estates, and estates belonging to free cities. The estates belonging to the free cities were under the municipal; and the free citizens, proprietors of those lands, possessed them in full property, and might sell, give, or exchange them, without let or hindrance. The feudal taxes were divided into—I. The Dominicalia, or lordships; II. Rusticalia, or farms. 1. The lordships were possessed and cultivated by the lord or landholder, and were charged with the land tax. 2. The rusticalia were subdivided into ordinary and extraordinary. The extraordinary were the farms sold by the feudal lord for a certain price, on condition of receiving an annual quit rent. The purchaser was at liberty to alienate these copyholds without

the permission of the lord ; always, however, charged with the payment of the quit rent and the land tax. The ordinary were farms granted by the lord, with the following burthens : 1. The tithe of the whole produce ; and, 2. Ninety days' labour of one man with two horses in the course of the year, at the option of the lord. (In Bohemia, the peasant paid no tithes, but was obliged to do 160 days' labour in the year.) 3. A heriot paid by the successor on the death of the holder ; and a land tax of 14 per cent., which was collected by the landlord. According to the law, the land tax ought to have been only 12 per cent. both for the lordships and rusticalia, but the feudal lords took 14 per cent. for the rusticalia, and paid only 10 per cent. for themselves — alleging, that they were responsible to the crown for the land tax of their peasants. Joseph now modelled the land tax and feudal taxes in the following proportion : — The peasants were to pay 10 per cent. in lieu of tithes ; 8 per cent. in lieu of corvées ; and  $12\frac{1}{2}$  per cent. for the land tax ; or 30 per cent. in lieu of all taxes and task-work.”\*

In regard to the church, Joseph was no less innovating. No bull from the pope could be published without the authority of government : monastic fraternities were rigorously subjected to diocesan jurisdiction, and, consequently, exempted from obedience to the chief of the order resident at Rome : some bishoprics were abolished ; the revenues of others were diminished : monasteries were treated in the same manner : of the nunneries, all were suppressed, except a few belonging to the order of St. Ursula or St. Francis de Sales, which were reserved as seminaries of education ; and even in these, the number of the professed was greatly reduced. Evidently these reforms should have been the work of time ; the monks and nuns should have been suffered to die off before their houses were suppressed : but they were pitilessly driven into the world, with pensions or without ; and as most of them, by long seclusion, were incapable of providing for themselves, they were reduced to the deepest distress ; while their former homes were converted into hospitals, barracks, magazines, or colleges. Primogeniture was also abolished ;

\* Coxe, *House of Austria (Reign of Joseph II.)*.

marriage declared to be a contract purely civil ; divorces were facilitated ; bastards rendered capable of inheriting ; and funeral honours were prohibited. Of these, all were dangerous, some wicked, innovations. In other respects,—as where he forbade pilgrimages and processions, the worship of images and of relics—he was more rational ; but even here, his violent eccentricities led him into mischief, since they effectually destroyed the salutary impressions which his measures were calculated to produce. Thus when, for the instruction of the people, he caused a politico-moral catechism, founded on his own decrees, to be drawn up, he exhibited scandalous profaneness, by referring to those acts in much the same language as was employed in the reference of the common religious catechism to the Holy Scriptures.

“ Thou shalt not send any money into foreign countries for masses.” (Ordinance, March 3. 1781).

“ Thou shalt not appear at processions with costly flags, nor dressed with sashes, or high feathers in thy hat, or with music.” (Ord. May 16. 1781.)

“ Thou mayest purchase and read the Catholic Bible, which is approved by the imperial censors.” (Ord. Aug. 10. 1781.)

“ Thou mayest obtain from thy bishop a dispensation for marriage, where there is no natural or religious order to the contrary.” (Ord. Sept. 14. 1781.)

“ Thou shalt not seek any dignity of the court of Rome, without the permission of thy sovereign.” (Ord. Aug. 21. and Oct. 2. 1781.)

“ Thou shalt not bring into the land any foreign Breviary, Missal, or Psalter, or other similar work or paper.” (Ord. Oct. 8. 1781.)

“ Thou shalt forbear all occasions of dispute relative to matters of faith ; and thou shalt, according to the true spirit of Christianity, affectionately and kindly treat those who are not of thy communion.” (Ord. Oct. 24. 1781.)

“ Thou shalt not hold in thy house any private assembly for devotion.” (Ord. May 14. 1728.)

“ Thou shalt not in any wise use the crown of St. Christopher, or any other superstitious supplications.” (Ord. Nov. 23. 1767.)

“ Thou mayest marry the woman whom thou hast ravished,

if she is willing to marry thee, when she is out of thy power." (Ord. Jan. 16. 1782.)

• "Thou shalt not marry the woman that has murdered, or caused to be murdered, her husband, who stood in the way of thy marriage." (Ord. April 28. 1781.)

"Thou shalt not transport out of the land hares' skins or hares' fur." (Ord. May 27, 1784.)

"Thou shalt not keep any useless dogs." (Ord. April 24. 1781.)

"Thou shalt not plant tobacco without the permission of thy lord." (Ord. Sept. 12. 1777.)

The only unexceptionable act of Joseph,—unexceptionable, we mean, either in matter or in form—is the Edict of Toleration ; in which protestants and Greeks were allowed the free exercise of religion ; in which all Christians, whatever their denominations, were declared equally citizens, equally eligible to all offices and dignities ; in which every population of 3000 souls were allowed to build a church, provided they established at the same time a permanent fund for the support of the minister and the relief of the poor ; in which the Jews were allowed the exercise of all trades and professions, with access to public schools and universities.—That many of the preceding precipitate and inconsiderate innovations should be disagreeable to the pope, was inevitable ; and, as the conservator of ecclesiastical discipline, he remonstrated against them. When these remonstrances were received with indifference, he undertook a journey to Vienna, in the hope of prevailing on a son of the church to stop short in the midst of a dangerous career. But though he was received with much outward respect, his arguments and entreaties were ineffectual ; and, after a month of vain parade, he returned to Rome.—Equally characteristic were the efforts of Joseph to improve the manufactures and commerce of his people. By constructing roads, canals, and bridges ; by opening free ports ; by suppressing the vexatious custom-houses of the provinces in order to open an uninterrupted communication ; by lending

money at a low rate of interest—often without interest—to manufacturers, for the erection of mills, and the encouragement of particular branches of industry; he doubtless effected much good. But, with the fatality destined to accompany all his measures, he placed so high a duty on foreign manufactures, as virtually to prohibit,—a step which, by raising beyond all bounds the cost of any commodity, must, however it benefited the manufacturer or dealer, be deeply injurious to the consumers.—Lastly, though comparatively illiterate himself, he was too wise not to encourage learning in others; and in this path he did more than any sovereign of his time. The universities, colleges, and schools which he opened or enlarged; the libraries which he collected; the professorships which he endowed; the money which he expended in the purchase of philosophical, mathematical, and surgical instruments,—entitle him to great praise. Not less meritorious was the act by which he wrested that formidable power, the censorship of the press, from the clergy, and invested it in a commission of literary men resident at Vienna. Ecclesiastics are not, indeed, the worst, but certainly they are bad, censors of the press. Of this fact, abundant evidence is to be found in the mischievous labours of the congregation of the Index at Rome, which has closed, to the great body of the reading public throughout Europe, thousands and tens of thousands of the most valuable works that have ever appeared,—not because they offended against good government, or morals, or manners,—but because they sometimes condemned—and that incidentally—things which those grave personages would not allow to be investigated.\*

1786 With whatever dissatisfaction the reforms of Joseph  
to might be witnessed in other provinces, in the Netherlands they were regarded with execration; and they  
1790. were one of the causes,—though certainly not the chief cause,—which led to their separation from the Austrian

\* Coxe, 'House of Austria (Reign of Joseph II.).

monarchy. When, by the peace of Utrecht, these fine regions were transferred to the house of Hapsburg, the transfer was accompanied by a condition guaranteed by the maritime powers, — that the ancient laws, customs, and constitutions should be preserved; and this condition was religiously accepted by Charles VI., Maria Theresa, and Joseph himself. But the eye of this last sovereign was offended at the anomalous state of these provinces. Each was a separate sovereignty; had separate, and often widely different laws; and frequently, in the same province, there were cities and districts with their own peculiar customs and forms of administration. Each had its representatives, chosen from the three orders,— nobles \*, clergy, and burghers, who constituted a sort of senate, and even shared the supreme authority with the sovereign or his lieutenant, the governor-general: they had the right of taxation, of regulating duties on exports and imports; of prohibiting or of encouraging any branch of industry or of foreign trade, of admitting or of excluding the vessels of foreign nations, of providing for the collection of the revenues. In every province they voted an annual sum for the expenses of the local administration, and the support of the army; and, on extraordinary occasions, they were not backward to vote, under the name of a free gift, an additional sum for the use of the sovereign.

" The courts of justice were established under different forms, not only in each province, but in every district, every city, and every village; and gave employment and influence to a multitude of judges, advocates, and magistrates. Besides these, were various feudal courts and petty tribunals for the cognisance of the chase, royal domains, maritime affairs, and customs. In Brabant, Hainault, and Guelderland, appeals were decided by the respective supreme tribunals; but in Luxembourg, Namur, and the other provinces were carried before the great triunal of Mechlin. Above all, the tribunal called the Council of Brabant was most respectable for the impartiality of its decisions, and the dignity and independence of its members. Its jurisdiction extended no less to affairs of state,

\* In Flanders, the nobles were not admitted into the assembly of the states.

than to those of justice ; and the edicts of the sovereign were not valid till approved by this court, and authenticated by the great seal of the duchy. Its functions and powers were minutely defined in the goyous Entry ; its integrity was secured by the choice of the members, who were persons of respectable birth, talents, and property ; and it formed the great barrier between the prerogatives of the sovereign and the liberties of the people. The power of the clergy was almost unbounded, as well from the influence of religion among a people devoted to the worship of their ancestors, as from their riches and number. The hierarchy consisted of one archbishop, and seven bishops : there were also 108 abbeys, each endowed with annual revenues of from 60,000 to 300,000 florins\* ; numerous convents ; and the number of religious persons, regular and secular, of both sexes, amounted to above 30,000. The clergy possessed a considerable part of the landed property ; and, being the first order of the states, were enabled to relieve themselves from a considerable part of the public burthens, by fixing the land tax at a low rate, and throwing the impost on articles of consumption.

" Their predominant influence was extended by the system of public education, which was subjected to the immediate control of the hierarchy. The university of Louvain had long been celebrated for its numerous and richly-endowed colleges, and was formerly distinguished for learning and discipline. It possessed extraordinary privileges, with the patronage of numerous benefices both in the Netherlands and bishopric of Liege ; and, above all, its academical honours were an indispensable qualification for the possession of every civil and ecclesiastical office. The members devoted to the papal see maintained a blind adherence to the system of the ancient schoolmen, and proscribed all innovations adopted in other seminaries."

To destroy the various and incongruous forms of government and of administration, and to substitute what he called a simple and efficient scheme, was the object of Joseph. His first care was to abolish the privileges of the university of Louvain, and to place foreign teachers over a new theological seminary in the same place ; his next was to abolish the permanent committee of chapters, the council, and courts of justice, and to

\* The florin of the Netherlands was about 1s. 9*½*d.  
† Coxe, House of Austria (Reign of Joseph II.).

declare the Netherlands an integral province of the Austrian dominions. He divided it into nine circles or districts, as in Bohemia and Austria ; each with tribunals exempt from the control of the states, and dependent only on an imperial council. Never were people more attached to their religion and government than those of the Netherlands : the outcry, accordingly, against these innovations, was loud and incessant ; nor was the ferment allayed by the banishment of those who, whether clergy or laymen, whether bishops or senators, abbots or burgesses, dared to condemn them. Violence, without the promptest means to enforce it, never does good : the enraged deputies refused to grant the ordinary supplies until all grievances were redressed ; the new seminary at Louvain was abolished ; the collectors of the revenue were forbidden to acknowledge the new intendants of the circles ; remonstrances, the most spirited in language, were presented to the imperial governors ; and the powers which had guaranteed the constitution of the Netherlands, were summoned to protect it. Into the endless transactions which followed,—the alternate violence and concessions of the one party, the systematic resistance of the other, the intrigues of both,—we will not enter. Suffice it to observe, that time served only to aggravate the minds of the people ; yet that a reconciliation would probably have been effected between them and their sovereign, had not the successful efforts of the French republicans emboldened them to aim at the same end,—their independence alike of foreigners and of the crown. Troops were raised ; allegiance to the emperor was solemnly renounced ; the imperial forces, which were afraid to act with vigour, were defeated ; and early in 1790, the various states, in imitation of Brabant, declared themselves sovereign and independent states. These were the events which arrested the progress of the Austrian arms in Turkey, and probably shortened the days of the rash misguided emperor.\*

\* The general histories of Europe, especially Coxe, House of Austria, vol. ii. (Reign of Joseph II).

1790    LEOPOLD II.—As Joseph left no issue, Leopold his  
to brother, who, as grand duke of Tuscany, had acquired  
1792. great popularity in that state, succeeded to the hereditary dominions of the house of Austria. He found discontent in every part; the Netherlands virtually independent; Hungary prepared to throw off the yoke; Bohemia disaffected; France unable to assist him; Prussia his enemy; England estranged by the policy of his predecessors; Russia, the only power from which he could expect aid, engaged in warfare with the Turks. But Leopold had qualities which were sure to win the hearts of his own subjects: he abolished the more odious innovations of his brother; Prussia and England were gained; a peace concluded with the Porte on terms of advantage; and so much wisdom as well as moderation was exhibited by him, that he had no difficulty in procuring the imperial crown. To pacify Hungary was a more arduous matter; but, by restoring such of its ancient privileges as had been lately disregarded, and by marching troops to restrain the more rebellious nobles, who clamoured loudly for the sovereignty of *the people*, he succeeded. His personal qualities confirmed the empire which he had established over these proud magnates; for let not the reader suppose that the word “people” implied any other than persons of free and noble birth. His next step was to pacify the revolted states of the Netherlands, by offering to re-establish their ancient constitutions; and when they obstinately refused to hear him, he marched his troops into the Low Countries. He knew that the rebel chiefs were divided among themselves; and he could rely on the neutrality of Russia, Holland, and Great Britain. After some fruitless negotiations, Leopold recovered these provinces; but, as he refused to restore every thing to the state in which it had formerly existed, he deeply offended the inhabitants of Brabant: as a natural consequence, they joined the cause of the French Jacobins, and were encouraged by their Parisian brethren to resist. The disputes of Leopold with France; his

efforts to save his sister and brother-in-law ; his alliance with Prussia, for the purpose of arresting the progress of the new republican principles ; naturally added to the fury of the French jacobins, and to the zeal with which they endeavoured to dissever the Low Countries from the throne of Austria. During his life, however, no open hostilities took place ; and to the reign of his son and successor, the emperor Francis II., we cannot so much as advert. The French revolution commences a new era in the history of Germany, of Europe, almost of the world. It has been often and well described ;—so often, that every reader is acquainted with it ; and so well, that nothing more can be added to it.

\* Coxe, *House of Austria*, vol. ii. (Reign of Leopold II.).



## A P P E N D I X (A).

### CORONATION OF AN EMPEROR.

THE emperor Joseph II. was crowned on the 3d of April, 1764, with the usual ceremonies, which are nearly as follow : — As soon as the ambassador of the emperor elect has declared his majesty's intention of being crowned, and the insignia and jewels are brought by the respective deputies from Aix-la-Chapelle and Nuremberg, the elector of Mentz receives proper notice, and the grand maréchal of the empire sends the usual invitations to the courts of the electoral highnesses, or delivers them to their ambassadors at Ratisbon.

At 8 o'clock in the morning of the day appointed, the ecclesiastical electors of Mentz, Treves, and Cologne, who are already assembled at Frankfort, proceed in their robes of state, attended by a numerous train of officers, with the assisting bishops and prelates, to the cathedral church of St. Bartholomew at Frankfort, where they put on their respective pontifical robes, mitres, caps, &c., and wait for the arrival of the procession. The elector of Mentz, whose office it is to consecrate his imperial majesty, assisted by the electors of Trèves and Cologne, then receives the jewels, with the usual oaths and ceremonies, from the deputies of Aix-la-Chapelle, in the sacristy ; and the bishops and prelates assist in placing them in proper order, on an altar, at a convenient distance from the high altar in the chancel, except the Gospel in golden letters and the relics of St. Stephen, which are placed upon the high altar itself. The crown, sceptre, globe, and the sword of St. Maurice are then carried by two canons of the church in a coach to the emperor's residence, accompanied by eight nobles of the consecrator's household in two other carriages, and a body of guards.

The canons sit backward, and place the insignia upon the front seat of the carriage. The Dalmatic robe, the alba or

imperial mantle, and stola, another of the imperial vestments embroidered with gold and precious stones, the sandals, buskins, gloves, and girdle, all of which are richly adorned with jewels, are placed by the deputies from Nuremberg upon an altar in the electoral chapel, the doors of which are shut immediately afterwards by the count of Werthen, door-keeper of the Holy Roman Empire.

The secular electors, or their first ministers, then repair to the senate house, habited in their robes of state, with the same trains as on the day of election, and proceed from thence on horseback to the emperor's residence. There they alight from their horses; and are received by his majesty, in person, in his apartment. The emperor mounts his horse, which is in waiting, and richly caparisoned, at 10 o'clock; and as soon as the ambassadors are remounted, the procession commences in the following order:—1. The grand provost of the empire, with his staff of office, and the imperial harbinger of state. 2. Two trabans, or lifeguards. The harbinger of the elector of Brunswick-Lunenburg, with all the principal servants attending the embassy; and afterwards the servants of all the other electoral ambassadors, the harbingers and servants of the electors present, and the emperor's servants, habited in proper liveries. 4. The pages of honour in the service of the elector of Brunswick, and other electors, according to their rank. 5. The maréschals of the court of the electors of Mentz, Trèves, and Cologne, with their other officers of state. 6. The members of the council, secretaries of legation, noblemen of the courts, chamberlains, ministers, princes, and counts, uncovered, on foot. 7. Kettle-drums and trumpets playing during the whole procession. 8. The emperor's heralds, properly habited, on horseback; and after them, the electors, or the ambassadors who represent them, on horseback; the hereditary officers of the empire bearing the insignia, which were delivered to them at the emperor's residence. The hereditary grand sewer, bearing the imperial globe in the middle; the hereditary grand chamberlain, with the sceptre, on the right; and the grand treasurer, with the crown on the left; all in one line. Then the hereditary grand cup-bearer, and the hereditary grand maréchal with the sword of St. Maurice drawn. 9. His imperial majesty, habited in his royal, electoral, or ducal robes of his own house, and the crown of his family upon his head, under a splendid canopy, supported by the senior senators of Frankfort, on horseback, attended by the grand chamberlain of his household, master of the horse, captain of the guards and halberdiers, with a body of guards walking on both sides uncovered. On the approach of his imperial majesty to the

porch of the cathedral, their electoral highnesses of Mentz, Trèves, and Cologne, mitred, and holding their archiepiscopal crosiers, attended by all the bishops and abbots, go to meet him, preceded by the canons of the church of Frankfort, and the canons of their own cathedrals, with their crucifixes richly ornamented; the electoral hereditary maréchal, with their swords of state inverted; and before the elector of Mentz, the proper officer, bearing the seals of the empire upon a silver staff. As soon as his majesty has dismounted, he passes through to take place of the electors; and the elector of Mentz sprinkles him with holy water, repeating the usual prayer, *Adjutorium nostrum in nomine Domini!* to which the bishops and abbots make the response, *Qui fecit cælum et terram.* The elector proceeds, *Sit nomen Domini benedictum!* Resp. *Ex hoc nunc et usque in seculum.* The consecrator then says, *Oremus! Omnipotens sempiterne Deus, qui famulum tuum, N.N. regni fastigio dignatus es sublimare, tribue ei quæsumus, ut ita in præsentis seculi cursu cunctorum in communi disponat, quatenus a tuæ veritatis tramite non recedat per Dominum nostrum Jesum Christum.* Resp. *Amen.*

When this ceremony is over, and the nobles, ministers, counts, and princes, with the electors, or their representatives, have proceeded, his electoral highness, the consecrator, goes with his whole train of bishops, canons, priests, and deacons, in the order above mentioned, to the altar. After him follows the hereditary grand maréchal of the empire, with a drawn sword, preceding his imperial majesty; and the electors of Trèves and Cologne, at proper distances, conduct him to a seat prepared for the occasion in the middle of the church, elevated three steps, and under a splendid canopy. As his majesty enters the church, the kettle-drums and trumpets strike up, and the Antiphone, *Ecce ego mittam Angelum meum, &c.* is performed in full choir with the usual responses. During this, the electors, nobles, &c. take their seats, and the hereditary officers bearing the insignia stand near the emperor in the following order: — The hereditary maréchal with his drawn sword, and the hereditary arch-chamberlain with the sceptre, on the left; the grand sewer with the imperial globe, and the hereditary grand treasurer bearing the crown upon a velvet cushion, on the right; and the hereditary grand cup-bearer immediately before the emperor. When the Antiphone is sung, the electors of Trèves and Cologne, assisted by the bishops and abbots, conduct his majesty to the high altar, where he kneels upon a cushion, covered with purple, upon the upper step, and the officers of state continue in their respective places standing. The elector of Mentz, standing over

him with the crosier in his right hand, says in a loud voice, *Domine, salvum fac regem;* and the surrounding clergy answer, *Et exaudi nos in die, quā invocaverimus!* Consec. *Oremus!* *Deus!* qui scis genus humanum nulla virtute posse subsistere, concede propitius; ut famulus tuus N. quem populo tuo voluisti preferri; ita ut tuo fulciatur adjutorio, quatenus, quibus potuerit prodesse, valeat per Dominum nostrum Jesum Christum. Resp. *Amen.* Consec. *Oremus!* *Omnipotens sempiterne Deus, cælestiumque Moderator, qui famulum tuum N. ad regni fastigium dignatus es provehere, concede quæsumus, ut a cunctis adversantibus liberatus, ad æterna pacis gaudia per te venire donantem mereatur, per eundem Dominum Jesum Christum, &c.* Resp. *Amen.* When this part of the service is over, his majesty is conducted with the same ceremony to his seat.

The elector of Mentz then begins high mass. The first part, as the *Kyrie eleison*, and *Gloria in excelsis*, are sung in full choir, after which follow the collects, prayers for the day, &c. Before the Gospel, the grand chamberlain of his majesty's household, attended by the maréchal of the court, takes off the crown and robes of his house, and delivers them to the officers in waiting. The elector of Trèves and Cologne, attended by the other electors, then conduct him again to the altar, where his majesty kneels, and the elector of Mentz, likewise kneeling, repeats the Litany to the verse *Ut nos exaudire digneris;* upon which the latter rises, and holding the crosier in his hand, repeats the usual prayers and benedictions, assisted by the electors of Trèves and Cologne, making the accustomed crosses; *Ut hunc famulum tuum N in regem electum bene + dicere digneris,* to which the clergy answer, *Te rogamus audi nos.* Consec. *Ut eum sublunare et con + secrare digneris.* Resp. *Te rogamus audi nos.* Consec. *Ut eum ad regni, et imperii fastigium feliciter per + ducere digneris.* Resp. *Te rogamus audi nos.* At the commencement of this Litany, the protestant electors and ambassadors leave the altar, and return to their seats; and at the conclusion of it the others rise; and the consecrator, having put on his mitre again, and resumed his crosier, addresses himself to the emperor as follows: — 1. *Vis sanctam fidem catholicam et apostolicam tenere et operibus justis servare.* 2. *Vis sanctis ecclesiis ecclesiarumque ministeris fidelis esse tutor ac defensor?* 3. *Vis regnum à Deo tibi concessum secundum justitiam prædecessorum tuorum regere et efficaciter defendere?* 4. *Vis ju' regni et imperii, bona ejusdem injuste dispersa recupere et conservare, et fideliter in usus regni et imperii dispensare?* 5. *Vis pauperum et divitium, viduarum et orphanorum, æquus esse judex et pius defensor?* 6. *Vis sanc-*

tissimo in Christo patri et domino Romano pontifici et sanctæ Romanæ ecclesie subjectionem debitam et fideli reverenter exhibere? To each of which questions his imperial majesty answers, *Volo*; and then approaching nearer to the altar, and placing his right hand upon the Holy Gospel, which was brought from Aix-la-Chapelle, he takes a solemn oath in the following words: — *Omnia præmissa in quantum divino fultus fuero adjutorio fideliter adimplebo, sic me Deus adjuvet et sancta Dei evangelia.* The consecrator then addresses himself in a loud voice to all the people assembled, *Vultis tali principi et rectori eos subjecere, ipsiusque regnum firmare, fidei stabilire, atque jussionibus illius obtemperare, juxta apostolum: omnis anima potestatibus sublimioribus subdita sit, sive, regi tanquam præcellenti?* to which the whole congregation answer, *Fiat!* *Fiat!* *Fiat!* The emperor then retires from the altar, and kneels upon the lowest step, upon which the consecrator standing over him gives the blessing, *Benedic Domine! hunc regem nostrum, &c.* After which the emperor is prepared to receive the holy unction. The ambassadors and the hereditary grand chamberlain of the empire, assisted by the master of the robes and royal chamberlains, undress his majesty as far as is necessary for the ceremony of anointing him. The consecrator, then, holding the vessel in his hand, says, *Pax tibi.* Resp. *Et cum spiritu tuo.* The emperor is then anointed and signed with the cross, first on the top of his head, on the breast, and between the shoulders; and then on the right arm between the hand and the elbow; the consecrator saying, each time of pouring the oil, *Ungo te in regem de oleo sanctificato, in nomine Patris, + et Filii, + et Spiritus Sancti. + Amen.* During this ceremony the Antiphone, *Unxerunt Salomonem Zadoc sacerdos, et Nathan, propheta in Zion et ambulantes læti dixerunt. Vivat in eternum!* Alleluia is sung to music by the whole choir. As the elector anoints the palm of the emperor's hand, he says, *Ungantur manus istæ de oleo sanctificato, inde uncifuerunt reges et prophetæ et sicut Samuel David in regem, ut sis benedictus et constitutus rex in regno isto super populum istum, quem Dominus Deus tuus dedit tibi ad recendum et gubernandum, quod ipse præstare dignetur, qui vivit et regnat Deus in secula seculorum.* The choir then sing, *Unxit te Deus olei lætiliæ præ consortibus tuis.*

After the ceremony, the emperor is conducted by the electors, their first and second ministers, attended by the bishops and abbots, and the hereditary officers bearing the insignia before him, to the electoral chapel, where he puts on the imperial pontificals, the sandals, buskins, Dalmatic robe, and mantle, which are presented to him by the deputies from Nu-

remburg ; and over them a long robe from the shoulders over the breast, like the dress worn by the priests. Thus habited, he is conducted again before the altar, and the others take their places. He then kneels upon the last step, and behind him stand the secular electors, repeating the responses to the customary prayers. The electors of Trèves and Cologne take the sword of Charlemagne from the altar, draw it, and present it to the emperor, upon which the elector of Mentz addresses him as follows : — *Accipe gladium per manus episcoporum licet indignas vice tamen et auctoritate sanctorum apostolorum consecrata tibi regulariter concessum nostraeque benedictionis officium defensionem sanctæ Dei ecclesiæ divinitus ordinatum ; esto memor, de quo Psalmista prophetavit, dicens accingere gladiotu super femur, tuum potentissime, &c.* Resp. Amen. *Accingere gladio tuo,* his majesty gives the sword to the elector of Saxony, who puts in his scabbard, and with the assistance of Bohemia and Bavaria, girds it on him. A ring is then presented to the elector of Mentz, who puts it on the emperor's finger, with these words, — *Accipe regia dignitatis annulum, et per hoc catholice fidei cognosce signaculum.* Resp. Amen. The sceptre and globe are taken in the same manner from the altar, and delivered in the same manner to the consecrating elector, who gives the former into the emperor's right hand, and the latter into his left, repeating the words, *Accipe virgam virtutis et veritatis, &c.* Resp. Amen. After which the emperor returns them to their proper officers. The elector of Saxony, or his first minister, then draws the sword of Charlemagne from its scabbard again, and delivers it to the hereditary grand maréchal instead of the sword of St. Maurice. The emperor is robed in his rich imperial mantle or pluvial by the hereditary chamberlain ; after which the consecrating elector, and the electors of Trèves and Cologne, jointly assist in placing the royal crown upon his head, and the consecrator addresses him in the following words : — *Accipe coronam regni, quæ licet ab indignis episcoporum tamen manibus capiti tuo imponitur. In nomine Patris +, et Filii + et Spiritus + Sancti, quam sanctitatis, gloriam et honorem et opus fortitudinis significare intelligas, et per hanc te participem ministerii nostri non ignores ; ita ut sicut nos in interioribus pastores rectoresque animarum intelligitur, ita et tu in exterioribus verus Dei cultor, strenuusque contra omnes adversitates ecclesiæ Christi defensor, eximas, regnique tibi a Deo dati, et per officium nostræ benedictionis in vice apostolorum, omniumque sanctorum regimi tuo comissio utilis executor, et regnator semper appareas, ut inter gloriosus athletas virtutum gennuis ornatus et premio sempiternæ felicitatis coronatus, cum Redemptore ac Salvatore nostro Jesu Christo, cuius*

*nomen vicemque gerere crederis, sine fine gloriari, qui vivit, &c.*  
Resp. *Amen.* When the coronation is over, his imperial majesty is conducted to the altar by the electors of Trèves and Cologne, and takes the following oath, first in Latin, and afterwards in German, laying his hand upon the Holy Gospel.

“ I promise and vow, in the presence of God and his angels, that I will now and ever obey the laws, do justice, and preserve the peace of the holy church of God. I will study the welfare of the people subject to me, and endeavour to procure and do them justice. I will promote the welfare and maintain the rights of the empire, with due consideration of the Divine mercy, in the best manner I am able, with the advice of the princes who are faithful to the empire and myself; I will duly honour the most holy bishop of Rome, the Romish church, and the other bishops and servants of God; and protect, and preserve uninjured, whatever the church has been endowed with, and what has been given to holy men by emperors and kings; and will show due honour to the prelates, states, and vassals of the empire; the Lord Jesus Christ assisting me with strength and grace.” The emperor is then conducted with the same forms to his seat, the kettle-drums are beat again, and the trumpets sounded. While the mass is continued, and the Gospel chanted, the elector of Trèves presents the book with the golden letters for his majesty to kiss, and the elector of Cologne gives the incense. While the Creed and Offertory are chanting, the emperor, bearing the sceptre and globe in his hands, which he afterwards delivers to the proper officers, approaches the altar, and makes the accustomed offering; after which he returns to his seat, and receives the incense from the elector of Trèves.—Before the holy sacrament is administered, the two spiritual electors take the crown from his majesty’s head, and place it on a cushion, to be held by the hereditary treasurer of the empire.

At the elevation of the host, the elector of Trèves brings the paten for the emperor to kiss, and Cologne presents him with the holy water. As soon as the consecrating elector has received the sacrament himself, his majesty is conducted to the altar, where he receives the consecrated wafer from the elector and the wine from his cup. The elector then, after the usual prayers, solemnly pronounces the blessing; and the assisting clergy make the responses. When the emperor is returned to his seat, the crown is placed, with the same ceremony, upon his head again. This ceremony concludes the mass; upon which the emperor, attended by the electors, and all the high officers of the empire, is conducted to a throne erected for the purpose,

instead of the chair of Charlemagne at Aix-la-Chapelle, and the attendants take their respective stalls. The elector of Mentz addresses himself to him in these words: — *Sta et retine a modo locum regium, quem non jure hereditario, nec paterno successione, sed principum electorum in regno Alemaniae tibi noscas delatum, maxime per auctoritatem Dei omnipotentis, et traditionem praesentium, et omnium episcoporum ceterorumque servorum Dei, &c.* Then standing before the throne, he congratulates his imperial majesty in the name of all the electoral college; for which the emperor graciously thanks him; and the elector, turning towards the altar, begins the Ambrosian Hymn, which is instantly struck up by the whole band in full chorus, the bells ringing, canon firing, kettle-drums beating, and trumpets sounding from every quarter, amidst the general acclamations of the people. In the mean time, the spiritual electors retire to the sacristy, and change their priestly for their electoral robes.

The emperor, being seated on his throne, is presented with the sword of Charlemagne, and while the *Te Deum* is performed, confers the honour of knighthood on several counts and nobles, dressed in the full habit of chivalry, as was customary in the time of the ancient tournaments. Those who are to receive this honour, have their names given in, the day preceding, to the elector of Mentz, who sends them to the vice-chancellor of the empire. They are then summoned to appear by the captain of the guards; and those who answer to their names are presented to his imperial majesty, and kneel with due reverence before the throne, after which they receive the honour of knighthood. Immediately after this ceremony, the deacon, and singers of the royal foundation at Aix-la-Chapelle, attend, and humbly represent to the emperor, that it is customary for every king of the Romans, immediately after his coronation, to be admitted canon of their order, and take the usual oaths; which his majesty complies with in these words, laying his hand upon the Holy Gospel: *Nos N. divini favente clementia Romanorum rex, ecclesiæ nostræ B. Marie Aquisgranensis canonicus, promittimus, et ad hæc sancta Dei evangelia juramus eidem ecclesiæ filieitatem, et quod ipsam jura, bona et personas ejusdem ab injuriis et violensiis defensabimus, et faciemus defensari, ejusque privilegia omnia et singula et consuetudines ratificamus, approbamus, et de novo confirmamus.*

The electors of Trèves and Cologne having changed their robes and returned to his majesty, the procession commences, during which the bells continue ringing, and cannon firing. The emperor proceeds, first adorned with his imperial crown,

and robes of state, upon a platform prepared on the occasion from the cathedral to the senate-house, which is covered with black, white, and yellow cloth. The insignia, including the crown of the emperor's house, are carried as before; and the spiritual electors, with their respective trains, join the procession. The trumpets and kettle-drums go before the nobles and ministers the whole time\*; after them the heralds, the hereditary grand maréchal of the court of Mentz with his sword inverted, and the seals carried upon a silver staff. Then the elector of Trèves alone, and the insignia borne by the proper officers; after them the emperor, with the spiritual electors of Mentz on the right and Cologne on the left, bearing his train. Then the secular electors, two and two. The electors are all covered; but all the other officers, and the whole procession besides, uncovered. The emperor's halberdiers and guards walk on each side, and the electoral guards close the procession; at the conclusion of which ceremony, the platform, cloth, &c. are given to the populace. Before the emperor sits down to the banquet prepared for him in the senate-house, it is customary for him to appear with the electors at the window, and see the ceremonies performed by the hereditary grand officers as they are prescribed by the Golden Bull. First the hereditary grand maréchal of the empire mounts his horse, which is richly caparisoned, and rides into the middle of a heap of oats laid in the square before the senate-house on the occasion, attended by kettle-drums and trumpets. Having filled a silver measure full, and made the oats even with a silver instrument, he shakes them out again, returns to the hall, and the oats become the property of the populace. The hereditary arch-sewer mounts a caparisoned horse in the same manner, rides to a table covered with a fine linen cloth, takes from it a silver basin, ewer, and a napkin; dismounts again at the senate-house, and carries them to the emperor. After him the hereditary grand chamberlain rides in the same manner, with the same number of attendants, to a fire made in the square, where there is an ox roasting, from which he takes a piece, and carries it in a silver plate covered to the emperor's table. The hereditary arch-cup-bearer likewise rides to a table covered with a white cloth, on which there is a silver cup, weighing twelve marks, filled with wine and water; he takes the cup, dismounts at the senate-house, and presents it to the emperor; and at last the hereditary arch-treasurer rides, with the same ceremonies, and with kettle-drums and trumpets, into the middle of the populace, bearing a purse of gold and silver coins, which he throws among the people, and returns. A fountain with a

double eagle displayed on the top, ejects white and red wine, and white bread is thrown among the people. When these ceremonies are over, his imperial majesty retires from the hall till dinner is served up ; when he is conducted by the electors and imperial officers, bearing the insignia before him in due form, to his seat. At table, the crown is taken from his head by the hereditary grand sewer. The hereditary arch-chamberlain presents the water and the napkin. The spiritual electors then, standing before the emperor's table, which is raised two steps higher than the rest—Mentz in the middle, Trèves on the right, and Cologne on the left,—the former says grace, and the two others make the responses. All three of them then take the silver staff with the seals, and bear them upright before his majesty. The elector of Mentz, as chancellor of the empire, takes the seals off, and lays them on the table ; upon which his majesty presents them again to him ; and as soon as his highness has received them, he hangs them on his neck, and takes his place at a separate table, and the other electors at theirs. A table is likewise provided in the same hall, where the emperor dines, for the princes, who are attended by officers of state. When dinner is served up, the emperor's dishes are brought in by the counts of the empire, preceded by heralds and guards, and the hereditary maréchal with his staff of office except the first dish, which is brought in by the hereditary arch-sewer. The elector of Mentz is waited upon in the same manner by his own officers, and the maréchal of his own court with his wand. The prince of Hesse-Darmstadt carves for his imperial majesty, and the hereditary cup-bearer of the empire presents the cup. Such of the electors as assist at the ceremony in person, sit at their own tables, and are attended by the officers of their courts ; but those who are represented, have only tables covered for them, at which the ambassadors do not sit. After dinner, the hereditary chamberlain places the basin upon the table for his majesty to wash, which he does sitting ; and when he has finished, the whole company rises, and the elector of Mentz returns thanks, to which the other spiritual electors make the usual responses. The hereditary cup-bearer then replaces the emperor's crown upon his head, and, assisted by the counts in waiting, draws back the emperor's seat, when they withdraw into another apartment. Soon after dinner, the emperor is conducted, with the usual ceremonies, to his residence ; he and the electors in their carriages of state, and the imperial hereditary officers bearing the insignia on horseback, attended by the pages and servants in livery, with flambeaux. As soon as his imperial majesty is

arrived, the electors attend him to his own apartment, and having formally taken leave, return to their different quarters in the town.

• A few days after the coronation, the seals of the empire are given in custody to the vice-chancellor; and the silver staff becomes his property: the silver utensils likewise, as the laver, the ewer, measure, cup, and dish, are presented to the hereditary officers who performed the different functions as ordered by the Golden Bull.—(From *Putter's Historical Developement*, vol. iii.)

## APPENDIX (B).

### TEUTONIC LEGAL ANTIQUITIES.

(*Foreign Quarterly Review, No. XVII.*)

DR. JACOB GRIMM is one of the most distinguished philosophical and speculative German archæologists in this archæological age. He has, in conjunction with his brothers, and in common with F. H. von der Hagen, and others of less note, collected and published abundance of old national legends, of popular traditions, of nursery tales, of old German poetry, and historical and critical information respecting that poetry, of which more upon some future occasion. He has concocted a grammar of the same comprehensive character as the Legal Antiquities, including under the appellation *Deutsch* (which for this purpose we translate Teutonic), all nations of German or Teutonic race. This grammar is singularly philosophical, and indeed in every respect so extraordinary, that, unpromising as a grammar seems for reviewing, we have long been desirous of placing some account of it before our readers, and trust that our desire may shortly be gratified. Our worthy doctor, thus various, but ever archæological and national in his pursuits, has now, partly as we have said to recreate himself after his grammatical toils, and partly to exhibit a new mode of treating Legal Antiquities, produced the work before us; a work, which, he says, would have been more easily and fully accomplished some hundreds of years ago, the unpicturesque and unpoetical seventeenth and eighteenth centuries having done their best to get rid of what the supercilious wisdom of those ages deemed the silliness of rude times. But, as German views are always characteristic, we must give Grimm's in his own words.

“ The historical jurist explains the new by the history of

the old ; the antiquary the old by the old, and only collaterally by the new. The former neglects what is quite antiquated, the latter what is quite new. The former is obliged to adapt the old to the system of modern legislation ; the latter is disposed to let the multiform appearances of the old rest upon their broader and freer basis. Of yore all was more sensibly unfolded ; of late all is more intellectually condensed. Here, it is essential to weigh, to ground, and to develope ; there, merely to collect and to detail. Under such circumstances it appeared to me rather a hazardous than an unprofitable task for one not of the legal profession to undertake, without any reference to practice and the system of the day, a faithful and complete collection of all accessible materials for an *elementary History of German Law*. The advantage would be infinitely greater could I attract the attention, not of jurists only, but of those explorers of antiquity who have devoted their labours to the language, poetry, and history of our forefathers. I herewith deliver a first attempt at a work of this description, which may well be said to contain more oil than salt.

\* \* \* \* \*

“ Let us dive into the deeper antiquities of German law.\* \* They are more peculiarly German than anything else, though I shall point out scattered traces of them amongst some ancient and some modern nations. Their fundamental character is the establishment of the legal by the sensible ; the consecration of what is to be permanent by something unsettled, something that cannot be wholly withdrawn from the dominion of chance.”

Having thus allowed Grimm to explain his views, in terms that will, perhaps, be better understood by and by, we may add our own statement, that in collecting these voluminous relics of Teutonic Antiquity, he is actuated by an intensely patriotic desire ; first, to display the poetical and picturesque character of his German forefathers ; secondly, to clear them from the imputation of barbarism, by showing them to have been not a whit more barbarous than the Greeks and Romans ; and lastly, to soften the existing antipathy to feudalism.

The first, and to us the most interesting of these objects appears even in his introduction, wherein he identifies legal tautology with that proper to the epic poetry of early times, which employed repetition as indispensable to energy of language. Grimm gives many, and often identical, examples from old laws and old poems ; adding some few from Homer. Teutonic tautology, both legal and poetic, was usually enhanced either by rhyme or by alliteration, a favourite ornament of Teutonic poetry, and in Scandinavian the common substitute for rhyme. The same character of early epic, i. e. the giving force in simple ways, is marked in the ever-recurring legal formulæ, and in such

constantly attached epithets as "bright day," "dark night," "salt or wild sea," "shining gold," "white silver," "green grass," &c.

The poetical mode of establishing legal distinctions by what is palpable to the senses, appears more manifestly in the marking of times and seasons by the going out of the cows to pasture, or their coming home to be milked, by the crowing of the cock, the sinking of the sun in gold, &c. &c., in the taking of all measures from the human person, even the size of a caldron, which is ascertained by the age of the child that could be bathed in it. But the use of the human form as a standard was not peculiar to the old Germans, though in various ways they carried it further than any other people with whom we are acquainted. For instance, relationship was measured or described by the limbs or parts of the human body, nearest to, or farthest from the head; the most distant cousins acknowledged as such being called nail-kinsmen. Some of the analogous modes of assessing damages are however quite their own. For instance, he who killed another man's dog, was to hang the slain animal up by the tail, with the nose just touching the ground, and then to cover him with wheat, so that not a hair could be seen; and this heap of wheat was the compensation due to the owner.\*

We find the same character in the ascertainment of property and privilege, by some act of the claimant, performed with some implement or symbol of his profession. For this purpose knights and nobles hurled the spear, or some other weapon, and if the archbishop of Mentz, or the count of Nassau, riding in complete armour into the Rhine as far as they could find footing for their equally armed steeds, marked the extent of their dominion over the river by flinging a sledge hammer, such hammer was not so anomalous as at first sight it appears to their rank, or even to the ecclesiastical profession. Grimm considers this use of the hammer as a proof that the custom prevailed prior to the existence of written law amongst the northern nations, and to their conversion to Christianity. A hammer, somewhat resembling, perhaps, what was afterwards termed a mace, was in those early days a martial weapon. It was especially that of the god Thor, and was esteemed so peculiarly holy as to be the regular sign of consecration. Thus in the hands of the count of Nassau it was an instrument of war; in those of the archbishop, traditionally perhaps, one of religion, though the circumstance of his being clad in armour might seem to imply its being at most a holy weapon. The reader will remember

\* The *Asa* gods themselves are represented as amenable to this law. Having killed a sort of man-otter, they were required by the human father of the slain to cover the dead body with gold; and a long series of calamities originated in the difficulty of procuring the necessary quantity of that metal for covering it to the last hair.

that, during the dark and middle ages, man did not forfeit the pleasures of fighting by becoming the minister of a God of peace and mercy. A shepherd might drive his flock so far into a forest, (the property of the hamlet? or of the lord?) as that, standing beyond the head of the foremost sheep, he could fling his crook out of the wood; and the woodman might cut wood as far as he could fling his axe. Grimm observes, that this mode of admeasurement by throwing a spear or a stone is found in Homer, but that there are no traces of any thing of the kind in the laws of the Greeks or the Romans, and he quotes Persian and Hindoo tales of land thus acquired: they belong, however, to poetry. In the Welsh law he discovers a similar spirit; and, indeed, we suspect that a considerable degree of resemblance in many respects existed between the Germans and their Celtic neighbours in Southern Germany, Gaul, and in Britain. Before leaving this subject of admeasurement, we should state, that the smallest possible extent of mother earth's surface, the possession of which constituted a landed proprietor, was ascertained by a custom, not proper to any trade or profession, but to human nature. "The space must be so large that the owner may thereupon set a cradle containing an infant, and a stool for a maid to rock it." From descriptions in other places and upon other occasions, we suspect that this stool had only three legs.

Some doubt may arise in the breast of a sceptical reader, whether this determining of the certain by the uncertain, fancifully poetical as it appears to us, might not, when devised, be a very straightforward proceeding—the best substitute for maps, plans, and written deeds. Indisputably it sprang from the want of such documents; but the arbitrary selection, in the last-mentioned instance, of one of the tenderest offices of humanity—the care of babyhood—satisfies us that the old Germans were as conscious as ourselves of the play of feeling and imagination marking their laws and customs.

We now turn to another point of this poetical legislation, namely, the embodying legal abstractions, or subjecting them to the evidence of the senses. We approach it with some hesitation, because the distinction between the endeavour to render sensible, and the use of symbols, seems to require a longer disquisition than we have room for, were it suited to our present purpose. It may, however, suffice to say, that we conceive the first—the rendering sensible—to belong to the earliest state of society, and gradually to assume the symbolical character as a nation advances in civilisation. At all events, this appears to have been the course of things in Germany. When possession of land was given by a clod of earth from the ploughed field, a

turf from the meadow, a branch of a forest tree from the wood, and of a fruit tree or vine from the orchard or vineyard to be delivered, these acts, although considered as partly symbolical even by Grimm, appear to us, at least in the earlier times, simply modes of rendering the delivery evident and sensible, without troubling the court of justice, consisting of, or attended by, half the population of the district, to perambulate the domain about to be transferred; and in those days almost every transaction, certainly every transfer of property, required the sanction of a court of justice, or at the least, of numerous witnesses. The similar use made by the Romans of turf, &c. we apprehend to have been purely symbolical, inasmuch as a turf cut from the nearest grass plot, we believe, delivered an estate in Asia. So was amongst the Germans the straw, when a straw picked up in the road supplied the place of the turf, &c. It was manifestly a mere abstract idea, not being like the other things necessarily a part of the property delivered, but gathered anywhere. Moreover the very word *stipulatio* seems to indicate its Latin origin; and as its instrumentality in delivering possession is found only amongst the Franks, or the countries that once owned their authority, it is not unlikely that they might adopt it from their Roman subjects. But the mode of employing it became more picturesque under the influence of German imagination. A man who wished to transfer or bequeath an estate to a person not of his blood, flung a straw into the bosom of him to be endowed, or into that of the lord who gave it over to him; the straw was thenceforward carefully preserved as a voucher for the transaction. A straw was otherwise often symbolically used. Breaking a straw was a form of engagement as solemn and irrevocable, we believe, as the striking hands, which bears a peculiar name in almost every Teutonic language, and is still practised among the lower orders in Germany as it is in England.\* Equally symbolical was the use of straw, when a man living alone, if attacked by night, took three straws from his roof, in addition to his cat and dog, to attest the outrage. Taking possession of a house by opening and shutting the door, was surely the mere exercise of an act of possession before witnesses, although the door posts certainly did possess a peculiar sanctity.

Amongst various fanciful forms of transacting business which appear to blend the two characters, some few are worth mentioning. The adoption of a son was effected in Lombardy by the adopter's trimming, for the first time, the beard of the

\* Schiller, in his *Wilhelm Tell*, says, "Des Bauern *Handschlag* ist ein Manneswort," which may be Englished, "The peasant's hand-strike pledges a man's word."

adopted; in Scandinavia, by his giving him his shoe to put on.\* This form seems to have implied a recognition of the shoe-proprietor's authority; and, as such, was required from a bride, who completed the marriage ceremony by putting on the bridegroom's shoe. Natural children, to be legitimated by the subsequent wedlock of their parents, were placed under the mother's mantle during the marriage ceremony. Taking the keys from a wife was equivalent to a divorce; and a widow freed herself from her deceased husband's debts by throwing her keys into his grave, which was a virtual abandonment of her claims upon his property. A silken thread formed an inviolable enclosure. Knights enforced an oath by striking their swords into the earth. When two Scandinavians wished to swear brotherhood, a long strip of turf was raised, supported by a spear in the middle, and resting upon the ground at both ends: under this turf the intended brothers suffered their blood, drawn from wounds in the palm of the hand or the sole of the foot, to mingle; and they further mixed the blended stream with earth. They then knelt down beside or under the turf, and invoked the gods to attest their oath to avenge each other's death like brothers. Accused persons occasionally swore to their innocence with a similar form; it was called going under the earth, and esteemed peculiarly solemn.

This mixing of blood is one of the points upon which our learned and patriotic antiquary is most earnest to clear the old Germans of any extraordinary barbarity; for which purpose he quotes Greek and Latin authors to show that similar, and yet more savage practices, such as drinking each other's blood, were common amongst other nations. But as most of his extracts, those especially from Herodotus and Lucian, refer to the Scythians, we doubt the *Classicistes* being much moved thereby in favour of the old Germans. In fact, a very peculiar combination of seemingly incongruous inhumanity and tenderness marked, as we shall have occasion to show in the course of this article, the character of the early Germans or Teutones; and we incline to think that the incongruity will vanish if we duly consider the deeply imaginative tone of their minds, the real tenderness of their hearts, their actually extravagant valour, enhanced by their religious creed, and the utter worthlessness of life in their eyes, save as it might be employed in acquiring glory.

We entirely lose sight of symbols, and return to the senses, and the act of the party most concerned, in the custom of giving land in quantities measured by the receiver's riding, driving, or crawling, over or round it, during some determinate period of

\* Is this the origin of the phrase "standing in his shoes?"

time, as whilst the royal donor bathed, or took his after-dinner nap. This custom was not however peculiar to the Germans. We find grants almost literally similar in Herodotus, in Livy, and in Oriental history or fable; and, in spirit, they resemble Dido's purchase of the land a bull's hide would cover, which indeed was often literally copied by German candidates for real property. But, if not Teutonic in its origin, the practice became so by the more vivid and picturesque form which, like all proceedings borrowed from the south, it assumed amidst the imaginative Northmen and Germans. It went out of fashion, we presume, from the constant cheating to which it seems to have given birth. Even saints appear to have found the temptation irresistible, and consequently endowed jackasses upon such occasions with a fleetness surpassing the best-bred racers. If saints proved thus trickish, shall we wonder at the frailty of a hero's virtue? A prince of one of the most heroic families in Germany, the Guelphs, and consequently an ancestor of the sovereign of the British isles, having obtained from the emperor Lewis the grant of as much land as he could either plough with a golden plough, or drive a golden waggon round, it is not clear which, during his imperial majesty's noon tide slumber, fairly, or rather unfairly, put a golden toy-waggon or plough into his pocket, and rode full gallop, with, if we recollect rightly, relays of horses.

This mode of granting land originated, we conceive, in the ordinary form of taking possession of domains, whether inherited or otherwise acquired, by riding over them. Even kings were frequently bound thus to ride round or over their kingdoms\*, after having, upon their succession or election, (they commonly united both rights,) been lifted on high upon a shield, and thus exhibited to their people for their approbation or homage — a practice, by the way, borrowed from the Germans by the Romans, when their armies came to consist principally of Germans. We first read of it upon Julian's proclamation as emperor at Paris, A. D. 360, when Ammianus Marcellinus says, "Julian was placed upon a foot soldier's shield, raised on high, and unanimously proclaimed Augustus." Is the chairing of members of parliament upon their election a relic of this ancient usage?

But we must return to German forms of taking possession, some of which are curious. The number of persons and animals to be employed in the ride was specified. The lord was to ride, sometimes himself seventh, with six horses and a half — the half being a mule; sometimes with six mouths and a half,

\* In old Swedish law this was called riding *eriksgata*; *gata* meaning road or street.

when the party consisted of himself, two attendants, three horses, and a dog; and the quantity and quality of entertainment he was entitled to claim from his vassals upon these occasions was appointed with equal care, and was occasionally confined to bread, cheese, and wine, upon a clean table cloth. If he required more, he had to pay for it. The horses, however, were always amply provided for, being ordered to be placed up to the belly in oats. Sometimes horses and dogs were to be one-eyed, or even a one-eyed deputy was to be substituted for the lord: In other places animals and men's clothes were to be white; a more intelligible regulation, inasmuch as white was a holy colour amongst the Teutonic heathens; and we observe that it did not quite forfeit its sanctity upon the introduction of Christianity, from the marvellous favour shown to a white sow, who, if lucky enough to produce a whole litter spotlessly white as herself, was permitted, it should seem, to ravage the corn fields within her reach at her own discretion. But the most singular and solemn form of entering into possession and receiving homage recorded, is that enjoined to the dukes of Carinthia. We translate, with a little compression, Grimm's account of it.

"The principle upon which this form proceeded was, that every new duke must take his lands and privileges as by purchase from the people, and their representative — a free peasant. Whenever, therefore, a new duke is to receive the homage hereditarily due to him, a peasant of the race of the Edlinger places himself upon the marble ducal seat at Zollfeld. Round about this seat, but without the barriers, as far as eye can reach, throng the country people, awaiting the new duke. This latter personage, in the rude garb of a Sclovonian peasant, with a hunter's wallet containing bread, cheese, and agricultural implements, (small ones, we hope,) carrying a crook in his hand, and having a black steer and a lean cart-horse on either side, approaches the marble seat, led by two noblemen of the province, and followed by all the rest of the nobility and chivalry in the most splendid festal array, with the flags and banners of the duchy. As soon as the procession comes near enough for the peasant to discover the prince, he asks in the Selavonian dialect spoken in Carinthia, 'Who comes hither in such state?' The crowd answer, 'The prince of the country.' The peasant resumes, 'Is he a just judge? Does the good of the country touch his heart? Is he of free and Christian birth?' An unanimous shout of 'He is! he will be!' resounds from the assembled multitude. 'Then, I ask, by what right he will remove me from this seat?' again questions the peasant, and the count of Görz replies, 'He will buy it of thee for sixty

pence. These draught cattle shall be thine, as well as the prince's clothes ; thy house shall be free, and thou shalt pay neither tithe nor rent.' The peasant now gives the prince a slight box on the ear, admonishes him to be just, and, descending from the marble seat, takes possession of the horse and steer. The new duke ascends the vacated throne, and swinging his drawn sword in every direction, promises right and justice to the people ; after which, in proof of his moderation, he takes a draught of water out of his hat. The procession then goes to St. Peter's church to hear mass. The duke exchanges his rustic dress for princely attire, and holds a magnificent banquet with his knights and nobles. After dinner the company repair to the side of a hill, where stands a seat divided into two by a partition wall. The duke sits on the side fronting the east, and swears, bare-headed and with uplifted fingers, to maintain the laws and rights of the duchy. Thereupon he receives the homage, the oaths of allegiance of his vassals, and grants the investiture of fiefs. On the opposite side sits the count of Görz, and grants the fiefs depending immediately upon him, as hereditary count-palatine of Carinthia. So long as the duke sits upon this seat granting fiefs, it is the prescriptive privilege of the race of Gradnekers to appropriate to themselves as much grass as they can mow, unless it be ransomed by the owners ; whilst robbers enjoy the yet more marvellous right of robbing, and the Portendörfers, and after their extinction the Mordaxters, that of burning the property of whosoever will not compound with them (by the payment of blackmail). These extraordinary ceremonies were observed at every accession of a duke of Carinthia during the thirteenth and fourteenth centuries : in the fifteenth they disappear."

Of course we do not propose here to enter into an investigation of the whole character and nature of the feudal system—to do so would require volumes—but we have said that Grimm regards it with an eye of favour ; and as he differs in this from almost, if not quite, all his philosophic contemporaries of the Continent, and far exceeds even our own candid and truly philosophic countryman, the historian of the Middle Ages, we deem it incumbent upon us to select some statements illustrative of his views respecting that curiously interwoven chain of interminable dependence and superiority in vassalage, which, however revolting to the enlightened love of liberty of the nineteenth century, had in it something venerably patriarchal, equally touching to the affections and the imagination of a more poetical, if less logical and less sentimental age, and still fascinating to all lovers of romance. The degradation of villainage

is the dark side of feudalism: it is essential, therefore, to the justification of our respected doctor's feudal prepossessions to show that, in his opinion, even this was softened by the patriarchal spirit of the system, at least in early times, the laws being calculated, as well as the rude simplicity of their framers allowed, to protect the inferior against oppression by any arbitrary extension of authority, and to afford him every fair and reasonable indulgence.

That the *unfree*, as Dr. Grimm tenderly terms the whole of the inferior classes collectively, were cruelly and unreasonably degraded, is undenial. The very appellation of the better class of villeins, *litus*, Grimm believes to have been vituperative, as derived from the adjective "lazy," which is *lats* in Gothic, *luet* in Anglo-Saxon, and *latr* in old Norse. He, nevertheless, gives, as the synonyme of *litus*, the Lombard word *aldius*, which is evidently the same with the Spanish *aldeano*, villager, from *aldea*, village, and all assuredly of Gothic origin, though the very scanty specimens we possess of the Gothic language may not enable us to point out the parent word. Other denominations of the unfree imply obedience and subjection — but one — *miindling* — is just what it should be, really meaning *protégé*. The unfree (lazy knaves and *protégés* alike) were distinguished from the free by their names, or rather their want of family names, by the colour and shape of their clothes, and by the cutting of their hair. The long hair, which was the distinctive characteristic of the Merovingian kings, seems at one time or other to have been common to all nobles, if not to all freemen, as there are laws of several old nations extant against cropping long-haired children without their parent's consent, and against letting the hair of the unfree of either sex grow. In fact, the long hair of the higher ranks seems to have been held in almost equal honour with the beard: a woman swore, if not by her tresses, yet holding them in her left hand, whilst her right wgs laid upon her bosom; and some of the old Scandinavian legends record the anxiety of heroes at the block to preserve their hair from being soiled with blood by their decapitation. Further, the unfree had no *wergelt*, or fixed damages for their murder \*; but their lives were not therefore unprotected, except against their master. He, their master, claimed their value from a murderer as he would that of a horse. In like manner he paid all fines they incurred, just as he paid for any mischief done by his cattle. The unfree were forbidden to

\* Grimm considers *wergeld* as literally the price of, or satisfaction for, a man, from the old Norse *gialda*, to pay or compensate, and *wer* or *verr*, one of the many old words for man. Whence this curious coincidence with the Latin *vir*?

carry arms ; yet in some laws a military litus is spoken of, and we learn from Mannert that some portion of the unfree household of noblemen, termed *pueri*, carried arms while escorting their lords upon journeys.\* It is not improbable that the strictness of the prohibition was gradually relaxed when the free began to regard military service as burdensome, and that when the nobles aimed at nearly independent power, they sought to increase the force upon which they relied, by unlawfully arming their thralls.

This promotion of the unfree was the easier, inasmuch as European villenage was wholly exempt from the loathsome baseness of Oriental slavery, the servile duties required by indolence, luxury, or wantonness, being altogether repugnant to the character and habits of Teutonic lords. The services usually required of the unfree were menial attendance (which could hardly be esteemed dishonourable whilst its higher offices were discharged by young ladies and gentlemen), assistance in the sports of the field, and the cultivation of the land. These were rewarded with food, drink, sometimes with various small privileges, and were occasionally cheered with music. The natural result of this intercourse of protection and dependence, was to generate a peculiar intimacy and affection between the proud noble and his thralls. Some of the services by which the unfree cultivators held their land, seem to have been instituted either for this express purpose, or in joke. In some parts of Germany and northern France, the peasantry were assembled upon certain occasions, as the lying-in of their lady, to beat the water in the ponds and ditches, in order to silence the frogs. The peasants upon the lands of one monastery were bound to carry a boiled capon into the refectory at meal time, and uncover it, so that all the monks might enjoy a share of the steam and fragrance ; they might then take it away to dispose of it at their own pleasure. The steward of one lordship, when he received the rent or tribute due, was bound to give the bringers a sum of money to drink, upon condition that they returned home by an appointed hour, and he himself was fined a ton of fresh herrings for every penny which he did not forward to his lord by an equally appointed hour. But the most amusing payment of rent we have met with we give in Grimm's own words : —

“ The village of Salzdorf, in the territories of Hesse, was bound to pay the sum of ninepence to the baron of Buchenau on St. Walburg's day (May-day). The bearer, who was called the Walpertsmannikin, was bound to be seated upon a specified

\* See No. XIII. p. 179.

stone of the bridge before Buchenau Castle, at six o'clock in the morning of May-day. If he was behind his time, the sum to be paid increased progressively, and at so rapid a rate, that, by evening the whole community of Salzdorf would have been unable to discharge it. The Walpertsmannikin was, therefore, always accompanied by two comrades, to guard against accidents. But if the appointed hour found him at his post, he was abundantly feasted by the baron; and if he could keep wide awake through such feasting for three whole days (including nights we imagine), he was entitled to his maintenance for life; but if his eyes once closed for a single moment, he was forthwith turned out of the castle."

The patriarchal indulgence, modifying the harshness of the feudal system, is pleasingly displayed in the partial relaxation of one of its generally harshest features — the game laws. The following are extracts from various old laws, strongly asserting the rights of noble sportsmen.

"But if a good fellow of the county should go into the water with his hose and shoes on, and should catch hold of a fish, and eat it with good friends, he shall have done no wrong; but he shall not catch fish with nets, or carry them to market. Also if a shepherd, going with his dog to his sheep, should by chance catch a hare, and shall carry it openly upon his neck, and not cook it with kale or cabbage, but shall lawfully roast it (first doing to it something else, which, for want of a Mrs. Glasse of the middle ages, we confess our inability to explain or translate), and invite the village magistrate, or some of his lord's servants to partake of it, he shall have done no wrong; but he shall not go after it, nor lie in wait for it, nor shoot, nor sell it."

Similar, or even greater privileges, were allowed in some small states to a ploughman; nay, even

"A townsman of Eychen, if it be necessary for the support of his own life or of his family, or to do honour to a guest, may take fish in the Rhine." \* \* \* And "A citizen, or a citizen's child, may catch a hare or a wild boar with his dog, provided he sends the boar's head to my gracious lord of Ziegenhain at Ziegenhain."

Still greater indulgence was extended to pregnant women, who were allowed to take, or to employ others to take for them, fruit, fish, and game, *ad libitum*, for their own consumption. The comforts and necessities of women in child-bed were provided for with a tenderness equally considerate and arbitrary; and the thrall engaged in his lord's service was authorised to leave his work and go instantly home, upon hearing of his wife's parturient condition, to comfort and take care of the invalid.

Something of the same kind of indulgence was extended towards animals. The general right was, after due notice to the owner, to kill every convicted and *relapsed* trespassing animal ; but a trespassing goose was ordered to be hampered, in some way that we do not quite comprehend, with a long unthrashed straw ; and if the said goose could release itself, it was entitled to its life. A hen was allowed to trespass as far upon a neighbour's land as her owner, standing upon two sharp stakes in the hedge, could throw his ploughshare between his legs. How hens were taught to know their precise limits we are not told ; but they were clearly expected so to do, for a hen that exceeded her bounds might be killed, provided she was afterwards thrown into her owner's domain with as many herbs as would suffice to cook her for a nobleman's table. Further — “ A miller shall not dam up the water so high but that a bee may sit upon the head of the nail in the middle of the stake, and drink and enjoy the water without wetting its feet or wings.”

In the laws respecting the treatment of strangers the admixture of the kindly and severe spirit appears. Travellers were not only entitled to hospitality, but whilst journeying were permitted to cut wood for the repair of their conveyance, what that might be, to feed their tired horses with grain, corn, and grass, or hay from a stack, all to an extent limited by some specific position of horse or man ; to gather fruit for themselves, and even to catch fish, provided they lighted a fire, and dressed and ate it upon the spot. But if they remained a year and a day in one place, they forfeited the rights of freemen, becoming the property of the lord of the soil. In many states they had no *wergelt*; and, according to the Anglo-Saxon laws of Ina, they were convicted as thieves by the mere fact of deviating from the main road without blowing a horn.

But nowhere does this mixed character appear more strongly than with regard to criminals. Whilst the punishments awarded to guilt are fearfully sanguinary, and sometimes so disgustingly atrocious that we scarcely know how to describe them, we for ever discover an evident disposition to enable the culprit to escape. Hanging between wolves and dogs upon a leafless tree (out of respect for the foliage of a thriving tree we presume), burning, boiling, flaying, impaling, every kind of mutilation, tarring and feathering, casting to wild beasts, were the ordinary doom, when offences were not compounded for by a sum of money. Cowards were drowned, or rather smothered, in mud. Removers of boundary stones were buried up to the neck in the earth, and ploughed to death with a new plough, four unbroken horses, and a ploughman who had never before turned a furrow. Forest burners were seated at a certain

distance from a fire of a certain magnitude, to which their bare feet were turned till the soles dropped off. But the most horrible of punishments awaited him who was detected in barking trees. His navel was dug out, and nailed to the injured tree, round which he was driven, dragging out his own bowels, and winding them upon it in lieu of the despoiled bark. And this whilst every injury to a fellow-creature, even murder, might be expiated with a sum of money!

With these atrocious punishments were mingled, as is well known, pecuniary mulcts, seemingly so insufficient to restrain the passions of men, and finally, other castigations, which simply dishonoured the sufferer. Amongst these were cutting away the tablecloth from before a knight as he sat at meat; compelling him to carry a dog or a saddle, or to wear garments of some peculiar and unbeseeming form. A man who suffered himself to be beaten by his wife, in some places had his house unroofed\*, as a gentle intimation of his unfitness to dwell in the community; in others he was obliged to lead the donkey upon which his virago partner was seated backwards, holding the tail in her hand. One of the dishonouring inflictions that was peculiarly dreaded, was the burying disgracefully; a very important part of which was not to let the infamous corse pass over the threshold. A hole, if practicable, was dug underneath it, if not, broken in the wall, through which the dead criminal, fastened by the foot to a horse, was dragged out to his appointed grave, prepared in a field, or at the crossing of roads. An outlaw was in Norse termed *vagr i veam*, which seems to mean, literally, condemned to the wolves, or perhaps put on a footing with the wolves. In truth he was rather worse off, for not only might every one kill him, but to feed, harbour, or relieve him, was a heinous crime, even in his wife; and he who aided him by land or water, or who neglected an opportunity of seizing him, besides incurring other punishments, forfeited all right to demand assistance when himself the subject of outrage.

But various resources against this inhuman code were provided, not the least important being numerous inviolable asylums. At one of these, Mattheishof, the law says that

“A man may be protected six weeks and three days †; and when the six weeks and three days are out, the poor sinner shall fling a stone against and over the gate of the said *hof* (or

\* A common mode of banishing a man was to break down his oven, fill up his well, nail up his door, and dig a deep ditch before it.

† A shorter period is always added to the longer in old Teutonic law, in the spirit of indulgence of which we have spoken, we presume, as a year and a day, fifty years and a day, or sometimes a month, or some arbitrary period of time. A man was not to be accounted an old bachelor till he was fifty years, three months, and three days old.

- court); and if he can go three steps beyond the stone and get back again into the *hof*, he shall enjoy such another period of protection; and if the proprietor of the *hof* may or can help him off, by day or night, he shall be authorised so to do for our Lord's sake."

Another resource was the facility afforded to accused persons, really guilty, for their defence, undreamed of in modern practice. They were not obliged to produce witnesses who could prove their innocence, but merely persons willing to swear to their own belief in the prisoner's oath that he was innocent. The number of such co-swearers required varied according to the nature of the accusation and the rank of the accused — a thrall requiring nine times as many as his lord; though we confess our doubts whether a nobleman, who was indulged with the privilege of trial by battle, an old heathen institution, ever condescended to adopt any other means of rebutting an accusation or establishing a right, than that which was the business and the pleasure of his life, fighting.

In a similar contradictory spirit the law of debtor and creditor seems to have been compiled. Creditors possessed such rights over their unfortunate debtors, that an old German or Northman, instead of sharing our indignation against Shylock, might probably have considered the defrauded Jew as the proper object of sympathy. By the Norwegian law,

"If a debtor be impertinent to his creditor, or refuse to work for him, the latter may bring him before a court of justice, and invite his friends to pay the debt. If the friends will not free the debtor, the creditor has a right to cut off of him as much as he will, above or below." (It is not explained whether he was to cut flesh only, or might lop off a limb.)

But to counterbalance this efficacious kind of personal security, the debtor seems to have had the power of nearly defeating his creditor's claim by simply turning his back upon him; it being indispensable to *mannire* (ANGLICE *dun*) a man to his face.

The courts of justice in which such singular scenes occurred and such horrible sentences were pronounced, consisted, our readers are probably aware, of nearly the whole population of the district presided over the feudal lord, or by judges appointed by the sovereign with the concurrence of the people, or by lord and judges conjointly. It is less generally known, we conceive, that before the accession of the Carlovingians these courts were held in the open air. In old heathen times they were held in consecrated groves, and in Scandinavia under the shade of the ash, in imitation of the *Asa* gods, who always sat in judgment under the ash *Yggdrasil*; a very discreetly

chosen locality, by the way, since Mimer's fountain of wisdom bubbles up under one of its roots. Christianity desecrated these holy shades in their religious, but did not interfere with their judicial, character; and they continued to be the usual seats of tribunals so long, that in Germany going under the oaks or the linden trees, the favourite situation, became a phrase for going to law. Various other places, however, answered the same purpose, as hills, hollows, river sides, bridges, which offered convenient seats and means of enclosure, and the church door, or the castle or city gate, according to Oriental custom.

Wherever the court was held, it was so arranged that the presiding judge faced the east. The accuser stood on his right, to the south; and the accused on his left, to the north. But it was the cardinal point, not the judge's right hand, that settled the post of honour; for the Welsh law, (we have spoken of the resemblance existing between Teutonic and Celtic institutions,) which seats the judge facing the west, equally stations the accuser southwards and the accused northwards, though the former thus stood on the judge's left hand. The north, which the Germans still designate as midnight, was the scene of all guilt and horror to the old Northmen — an opinion naturally resulting from their profound reverence for the sun, which itself arose probably from the high value for his beams, induced by the coldness of the climate. Almost every thing holy seems to have been associated with the sun's rays, especially justice. No judicial proceedings could begin before sun-rise, or continue after sun-set — a rule which must have occasioned some procrastination during winter in the hyperborean provinces of Scandinavia.

The hanging up of a shield was essential to the formation of the court, and an announcement that it was open, as the overturning of the judges' seats proclaimed its close; for the judge must sit (his rising interrupted all proceedings), and not only must he sit, but sit in a specific attitude. In one state he was to sit "with one foot upon the opposite knee;" in another "with the right leg thrown over the left, like a grim lion," in which position, we believe, if he could not decide a point at once, he was to meditate upon it 123 times. In this awful position, when he had decided, he pronounced in a loud voice such dooms as the following: —

"For this we judge and doom thee, and take thee out of all rights, and place thee in all wrongs; and we pronounce thy wife a lawful widow, and thy children lawful orphans; and we award thy fiefs to the lord from whom they came, thy patrimony and acquired property to thy children, and thy body and flesh

to the beasts of the forest, the birds of the air, the fish in the water. We give thee over to all men upon all ways; and where every man has peace and safe conduct, thou shalt have none; and we turn thee forth upon the four ways of the world, and no man can sin against thee."

We are tempted to add another specimen of these rudely vivid poetical judgments.

" When the heirs of a murdered man, upon receiving compensation, are reconciled to the murderer, they shall share knife and meat and all things together, like friends, not foes. He who breaks this compact shall be banished, and driven as far as man can be driven. Wherever Christian men go to church and Heathen men sacrifice in their temples—wherever fire burns and earth *greens* (no circumlocution can render this quaint but picturesquely descriptive verb)—wherever child cries for its mother and mother bears child, ship floats, shield glitters, sun melts snow, fir grows, hawk flies the long spring day, and the wind stands under his wings\*—wherever the heavens vault themselves, the earth is cultivated, the wind storms, water runs to the sea, and men sow corn, shall he be refused the church and God's house, and good men shall deny him any home but hell. The reconciliation shall subsist for them and their heirs, born and unborn, begotten and unbegotten, named and unnamed, so long as the earth is and men live; and wherever both parties meet, by land or by water, on ship-board or horseback, on rock or at sea, shall they share with each other oar and water-bucket, land and plank, as need is, and be friendly towards each other upon all occasions, as father to son and son to father."

We cannot quit the subject of courts of justice without a few words concerning that singular judicial institution of the middle ages, which a few years ago excited so much interest in this country under the descriptive but factitious name of the Secret Tribunal, and in Germany under its proper, but not generally understood title of *Das Vehm Gericht*. The diligent study that has since been bestowed upon old German has now explained the difficulty, by showing that *fem*, as the word was written of yore, means condemnation; and the title may be translated, the Condemning or Criminal Tribunal. Grimm conceives this *Vehm Gericht*, with its *Frey Graf* and *Frey Schüffen*—free count, and free judges or assessors—to have been merely a remnant of the numerous free and sovereign tribunals of earlier times, which retained their independence longer in Westphalia than elsewhere, and during the capricious

\* An idea taken from Scandinavian mythology.

and tyrannic violence and oppression of the worst period of feudalism, gradually assumed the forms of secrecy as a means of prolonging that independence, and as a protection to themselves and others against that violence and oppression. The *Vehm Gericht* thus constituted, for a time, no doubt, worked well, executing justice upon criminals above the reach of ordinary tribunals, but could not fail of falling in the course of time into the hands of wicked, designing, and ambitious men, and thus becoming an engine of evil, horrible in proportion to its mysterious potency.

There was another lawful practice of the early Germans and Scandinavians, which, offending the best and strongest feelings of nature, has more than any thing else injured them in the estimation of posterity — we mean the frequent exposure of children. Grimm strives to acquit his ancestors of the charge of especial barbarity upon this score ; and although we must confess we dearly love the genuine enthusiasm that prompts a German to stickle for the impeccability of his countrymen, whether now living or dead these 2000 years, it is impossible to repress a smile at the zealous industry with which he labours this point, by showing how long the Greeks and Romans retained the same savage custom or rite. It is one which in fact seems to have been common to every nation during its early state, and to have constituted part of the rude idea of paternal authority. In Germany and Scandinavia the right indisputably thus arose from the patriarchal system ; and for any palliative explanation of the extent to which it was carried in those countries, we must refer to what we have already said of the peculiarly mixed character of the Teutonic races, and of the little value they set upon life considered as mere life. Sickly or deformed children they probably deemed it a criminal weakness to rear. To the same principles must we refer the extraordinary custom of elderly persons deliberately destroying themselves, in a formal and regular way, after dividing their heritage amongst their children, without any motive except a desire to escape from the annoyance of old age and its infirmities, and to reach Valhalla the sooner.

Another custom yet more revolting, because uncoloured by any kind of even distorted natural right, and violating what we are accustomed to think of more as a duty and less as an indulgence than parental affection, is mentioned by Grimm, but as having prevailed chiefly among the Sclavonian nations, and being rare, if not quite unexampled, among the real Germans — we mean that of sparing old persons the trouble of suicide by the son's destroying his decrepit parents. But even as

guilty of this outrage, Grimm alleges that the Teutonic and Sclavonian races were no worse than the Romans, in proof of which he quotes a passage from Festus, showing that sexagenarians might, in times of scarcity, be legally thrown from a bridge into the Tiber; and another, from Cicero (*Cic. pro Sext. Rosc.* cap. 35.), alluding to such a right.

But to return to the exposure of children. This unnatural exércise of the most natural of authorities, the parental, was, as we have intimated, carried to an uncommon extent in Germany and Scandinavia; and its form was, as usual, curious and picturesque. Every new-born infant was laid upon the floor\* to await the father's determination whether it should live or die; in their language, be taken up, or carried out. In the first case the father took it into his own arms, acknowledged and named it. In the other it was carried out and exposed. But to render this determination lawful, it was requisite that the child should not have acquired a right to life, by tasting food or being purified with water; which last appears to have been a northern rite or practice prior to the introduction of Christian baptism. One should have thought this condition might have almost always enabled a bold and fond mother to secure her babe from exposure, but it was rarely thus taken advantage of. Respect for the laws and conjugal submission were more potent, it should seem, than even maternal love! Grimm gives, however, a curious story of its employment, by the mere charity of a stranger, to preserve an infant that, rescued from its untimely doom, lived to become the mother of St. Ludiger.

When this infant, Liafburga, came into the world, she had a heathen grandmother, who, indignant at a number of daughters, and no male heir, having been already born to her son, ordered that the expected child, if it proved a girl, should be drowned ere it could taste food. A girl it was, and the old lady's emissaries accordingly carried off the babe, and proceeded to immerse it in a pail of water. But the predestined mother of a saint was not to be thus robbed of her future honours. The infant extended her little arms, and grasping the sides of the vessel, stoutly defended her life. During this extraordinary struggle a woman chancing to pass by was touched with pity, and snatching the babe from the hands of the legal assassin, fled with it into her own house, where she put honey into its mouth. When the man, who in obedience to his orders had been endeavouring to drown Liafburga, saw her licking the

\* Was it not rather born upon the floor, and left there untouched? The Scandinavian expression answering to our "lady in the straw," was — the woman on the pavement or floor.

honey from her lips, his conscience would not suffer him to make any further attempt at executing his murderous charge. He durst not, however, impart what had happened to his savage mistress: he assured her that she had been obeyed; and *Liafburga* was secretly brought up by her preserver until the old grandmother's death allowed of her being restored to her parents.

We must observe upon this story, that it is the more extraordinary, inasmuch as the right of a father was only to expose his child where it had a chance of being preserved, not to kill it; and that this right could never, under any circumstances, we believe, be vested in a female. The rights of women were, indeed, generally speaking, rather moral than legal, and mothers by no means shared the authority of fathers. A father under any great pressure of distress might sell his minor sons and unmarried daughters, even as *leibeigene*, or thralls (though not a daughter to prostitution); while no circumstances could authorise a mother to sell her son. This leads us to say a few words upon the condition of women amongst the old Germans, with which we shall conclude this paper.

Some misconceptions exist upon this subject, chiefly, we apprehend, because the same apparent anomalies are found in the treatment of women, as in every part of the character and conduct of the Teutonic nations, and arising from the same, seldom sufficiently considered, causes to which we have referred the others; that is to say, from the qualities of head and heart, modified by habits of life, that distinguished the warriors of the north. They venerated their women as the chosen vessels of divine inspiration\*; they loved them with the entire and passionate tenderness characteristic of pure morals, as the chaste partners of their weal and woe, and the mothers of their children; and they protected them with an earnest care proportioned to their helplessness.† But when we reflect that amongst these nations the whole business of existence was fighting, we perceive with self-evident clearness the absurdity of the supposition that women were, or could be, deemed the equals of men. In fact, Teutonic women never seem to have possessed what we should esteem free agency, being held in constant wardship of some male relation or connection; even a widow

\* We do not mean that all women were thought to be inspired, but that it was only women who ever were so.

† By the Bavarian law a woman's *wergeld* was triple a man's, and was so expressly because she coul<sup>d</sup> not defend herself. If she bore arms she might be killed as cheap as a man. The rate of *wergeld* of the two sexes varies so capriciously in different states, that no conclusion can be drawn from its irregular difference.

becoming the ward of her husband's heir ; of her own son, if he were of age. Their only legal rights were to the care, affection, and respect of those guardian kinsmen ; and public opinion, we believe, abundantly secured them in the enjoyment of those rights. And it may, perhaps, be admitted, as a collateral proof of how strongly the observance of the respect due to women was enforced, that one of the few occasions upon which it was allowable for a man to take the law into his own hands, was a guest's behaving or speaking immodestly at table in an honest man's house. If the offender would not forbear upon being admonished, the master of the house was authorised to beat him.

Women were no otherwise excluded from their father's succession than as the possession of his property was necessarily connected with the right and duty of bearing arms at the call of the country or of a feudal superior ; and moveable property was strictly divided into the *heergewüst* and the *gerade*, or what appertained to the equipment of a warrior and of a woman, which were allotted to male and female heirs accordingly. In the latter were included "religious books, such as women use to read." If a widow had a daughter whose cry could be heard through a board, her *gerade* was proportionably increased. It should be remarked that minors seem to have had neither *heergewüst* nor *gerade*.

In the midst of our admiration of the Teutonic tenderness and respect for the weaker sex as compared with the treatment experienced by women in the rest of the then known world, including Greece and even Rome, where they were better off, it is somewhat startling to find that a wife was purchased in Germany much as in Asia ; nay, that by one law against adultery, he who seduced the wife of a freeman was bound to buy him another. Yet we cannot conceive the Teutonic purchase of a wife to have been really of the Oriental character. It appears to us possible that the price paid by the bridegroom was a kind of acknowledgment of the absolute property of the bride's father in his child, of which we have already spoken. Grimm even sees ground to hope, that though the father bargained for his daughter's price, the sum received was given to the bride herself, and was therefore rather in the nature of a modern settlement. This is so gratifying a view of the matter, as saving the gallantry of the forefathers and the dignity of the foremothers of all nations of Teutonic descent, that we are unwilling to investigate it too minutely, and regret the necessity of stating that the three pennies, (or shillings, we are not sure which,) constituting the price of a widow in Lombardy, were

paid to her guardian, and can hardly be considered as the lady's pin-money or jointure. Still they might, according to our suggestion, be a sort of acknowledgment of the rights he had acquired over her, or perhaps a compensation for some advantage he might have expected to derive from the management of her property, if she had any; if not, more simply, a partial repayment to the first husband's family of what she had originally cost them. It will be remembered that the husband's heir was the widow's natural guardian.

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S. A. DUNHAM, ESQ. LL.D.  
MEMBER OF THE ROYAL SPANISH ACADEMY OF HISTORY, ETC.  
AUTHOR OF THE HISTORY OF SPAIN AND PORTUGAL,  
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